

# INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2011

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## HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED ELEVENTH CONGRESS SECOND SESSION

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### SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

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ALAN B. MOLLOHAN, West Virginia  
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NOTE: Under Committee Rules, Mr. Obey, as Chairman of the Full Committee, and Mr. Lewis, as Ranking  
Minority Member of the Full Committee, are authorized to sit as Members of all Subcommittees.

DELIA SCOTT, CHRISTOPHER TOPIK, JULIE FALKNER,  
JASON GRAY, and BRENDAN LILLY  
*Staff Assistants*

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**Part 7**  
**Public**  
**Witnesses**

**INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2011**





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# **DEPARTMENT OF THE INTERIOR, AND RELATED AGENCIES APPROPRIATIONS FOR 2011**

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## **TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS**

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TUESDAY, MARCH 23, 2010.

### **VOICES FROM OUR NATIVE AMERICAN COMMUNITIES**

#### **PUBLIC WITNESSES—REPRESENTATIVES FROM TRIBES AND NATIVE AMERICAN ADVOCACY GROUPS**

Mr. MORAN. Good morning to everyone. Thank you for being here. We are starting precisely at 9:30 and we want to welcome you to the first public witness hearing of the year. This morning and again this afternoon, we are going to hear from many of our partners and friends in the Native American community, and we want to especially welcome those of you who traveled from long distances this morning, all the way from the West Coast and many from Washington State. We do look forward to your testimony.

I think that this quote from the constitution of the Iroquois Nation sums up why many of you have traveled here today and why the subcommittee believes your testimony is so valuable, and I quote, "Look and listen for the welfare of the whole people and have always in view not only the present but also the coming generations, even those whose faces are yet beneath the surface of the earth." That is much of what we want to talk about, what we are doing to look forward to future generations.

As my colleagues on this Subcommittee know, there are significant challenges facing the Native American community today including the availability of health services, access to quality education and combating crime in Indian Country. We continue to take steps to address these challenges, and we are proud that last year this Subcommittee under Chairman Norm Dicks' leadership with support from Mr. Cole as well, so it was bipartisan, provided \$2.6 billion to the Bureau of Indian Affairs. This was a historic 10 percent increase in funding over the previous year's levels.

We were pleased to see a significant increase in the Indian Health Service's budget request this year. The request is \$4.4 billion. It is \$350 million more than last year's levels.

Now for some important housekeeping items. We are going to have to remind all witnesses that you only have 5 minutes total to deliver your statement and to answer questions. We are going to

have to watch the timer closely to ensure that we hear from everyone on the schedule. When the orange light comes on, you have only 1 minute left and should then begin to wrap up. When the red light comes on, your time has expired. We do not like to do this, but it was either do it this way or only hear from half the witnesses, and so we figured we are better off giving everyone an opportunity to be heard even though it is going to be in a very tight time frame. Now, of course, your entire prepared statement will be included in the hearing record.

Mr. MORAN. Before we get started, Mr. Cole or Mr. Simpson, did you have any comments?

Mr. COLE. Thank you very much, Mr. Chairman.

For those of you that are regulars at this Committee, you know I do not normally sit in this seat. This is Mr. Simpson's seat. I feel a little bit like getting in the car with my dad right next to me, watching every move I make.

Mr. MORAN. We will make sure he does not crash it.

Mr. SIMPSON. I am going to be in and out at other hearings, so Mr. Cole is obviously the expert in this area.

Mr. COLE. That is not true. My good friend, Mr. Simpson, knows at least as much about this as I do, and certainly Mr. Moran and former Chairman Dicks are wonderful partners in this work.

Greetings, Mr. Chairman, and thanks to all of you who have come. This is an area of great interest and importance, I think, certainly to the country but to me personally. So as a Native American, as a tribal member, a lot of the problems that I see in other parts of the country, the same kinds of problems that exist in my area and certainly with the tribes that I am privileged to represent, 11 different tribes actually in my district. So I look forward to the testimony. This is actually one of the highlights of the year for me, Mr. Chairman, to have the opportunity to hear so many voices from Indian Country and a lot of their concerns, their points of view, and frankly enjoy their wisdom on this.

So it is a great privilege to be here. I look forward to a productive hearing.

Mr. MORAN. Thank you, Mr. Cole.

Mr. Simpson, did you have anything you—

Mr. SIMPSON. No, that is okay.

Mr. MORAN. Very good. Mr. Dicks.

Mr. DICKS. Well, I just want to welcome all of my friends from Washington State over here this morning, and today is a historic day. We are going to sign the health care legislation later this morning and so I will not be able to stay for all of the testimony, but I am going to be here for most of it, and I just want to say how glad I am that Mr. Moran has now assumed the chairmanship. He and I have been friends for 40 years. I hired him to work for Senator Magnuson. It just shows you what good judgment I have. And also we have the best committee terms of bipartisanship, and Mike Simpson and Tom Cole are just great supporters and have worked with us on these issues, and this is a committee that supports what the tribes are trying to do. Thank you, Mr. Chairman.

Mr. MORAN. Thank you, Mr. Dicks. You have left me with big moccasins to fill. You have done wonderful work on behalf of Native Americans and we really thank you, and we appreciate your

continued intense involvement in these issues. Our first witness will be Henry Cagey, the chairman of the Lummi Indian Nation. Chairman Cagey, welcome.

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TUESDAY, MARCH 23, 2010.

**LUMMI INDIAN NATION**

**WITNESS**

**HENRY CAGEY**

Mr. CAGEY. Good morning, Mr. Chairman. My name is Henry Cagey, chairman of the Lummi Nation up in Washington State, and again, I appreciate the time that you have given the tribe to talk about our issues and some of our challenges.

You know, again, I heard you loud and clear that we will summarize our testimony. For the record, Mr. Chairman, we are the third largest tribe in Washington State and we have over 5,200 members in the tribe. We are a fishing tribe, and one of the challenges that we have is that our salmon are gone. Mr. Dicks has been working very hard in restoring our salmon and bringing them back, but again, the challenge that we face as a tribe is that we are still dependent on fishing. One of the things that we have been asking the Committee to look at is the hatchery line item, and again, the hatcheries are one of the few ways that we can sustain our economy. Hatcheries are one of the few ways that we can sustain our families and our fishing lifestyle that we have become accustomed to, and again, that is really challenging Mr. Dicks's theory on wild stock versus hatchery stock. I understand that.

But again, the Lummi are still a fishing economy, and again, our lifestyle has really changed in the last 10 to 20 years and it is really starting to show the effects of the drug abuse, the high dropout rates with our kids. The parents that we have are fishermen, and seeing that, we are working very hard to change the dependency on the fishing, but again, that is a hard corner to turn. We have a ways to go to address the next generation of these kids that are coming behind the current fishermen. So we are working with the Department of Labor, we are working with Commerce and looking at ways to sustain our fishing, but again, one of the things that we need the Committee to look at is the hatchery line item, and again, we support hatcheries. That is really one of the few areas where we can do that.

The other areas that we want to hit on, Mr. Chairman, is the Indian Health Service. Contract health services is a huge need in the Northwest. Since we do not have hospitals, we are dependent on contract health service.

The other thing that we are becoming aware of is HIV, HIV meaning that we are seeing increases in AIDS in our community, and starting to show some of the effects of that disease coming at us.

The other part we would ask the Committee to look at is getting the Bureau of Indian Affairs to recognize this commerce declaration disaster. So again, this disaster that we are talking about, Mr. Dicks's office is very familiar with the disaster, but we want the

Bureau of Indian Affairs to recognize this declaration that was issued in 2008, and for the last 2 or 3 years now we have been punted back and forth between the Administration and Congress and we need some better guidance on what we need to do with this declaration that was issued in 2008.

The other area that we want to touch on, Mr. Chairman, is the Lummi Nation Slater Road Project, and it was a big project that we are in partnership with Whatcom County, and Whatcom County is a road that we have come to agreement with to basically take a look at the flooding area, and we have FEMA money that has been provided to the project but we need \$6 million more to finish the project, and that is something that we want to get your support as well.

The other part we want to wrap up is the Indian Energy and Economic Development Workforce Division within the Bureau that we are working with Mr. Middleton and his folks, and they are doing a very good job in at least taking some leadership in economic development. So energy and economic development, Mr. Middleton's office, has been very supportive of our welding school and other things that we are creating through his shop.

So again, on behalf of the Lummi Nation, we want to thank the Committee. We want to thank you for all your hard work you did last Sunday with the health care bill. We really appreciate everything that you guys do in supporting Indian issues.

[The statement of Henry Cagey follows:]



**Testimony of the Honorable Henry M. Cagey  
Lummi Nation Chairman  
On the FY 2011 Appropriations for the  
Bureau of Indian Affairs and Indian Health Service**

Good Afternoon; I want to thank Chairman James Moran and the Committee members for the opportunity to share with you the financial and legislative priorities of the Lummi Nation for 2011 for the Department of the Interior; Bureau of Indian Affairs and for the US Indian Health Services.

The Lummi Nation, is located on the northern coast of Washington State, and is the third largest tribe in Washington State serving a population of over 5,200. The Lummi Nation is a fishing Nation. We have drawn our physical and spiritual sustenance from the marine tidelands and waters that surround us for hundreds of thousands of years. Now the abundance of wild salmon is gone. The remaining salmon stocks do not support commercial fisheries. Our fishers have trying to survive with shellfish products. In 1999 we have 700 licensed fishers who supported nearly three thousand (3,000.) tribal members. Today, we have about 523 remaining. This means that over 200 small businesses in our community have gone bankrupt in the past eleven (11) years. This is the basic inescapable reality of the Lummi Nation. We are the last hunter/fisher/gatherer society surviving within the contiguous United States. We can no longer survive as fishers, without assistance.

**Lummi Nation Appropriation Requests - Bureau of Indian Affairs**

- +\$12 million - Increase in funding for Hatchery construction, operation and maintenance funding directed to meet the needs of fisheries needs consistent with declared disasters.
- +\$5million (Nationally) Increase the funding for the BIA General Assistance for emergency services for tribes operating under emergency declarations.

**Indian Health Services**

- Increased contract health services funding be available to Northwest Regional Tribes, which are not served by an Indian Health Services Hospitals.
- +\$200,000. To support direct intervention with the Lummi Nation to support rapid HIV testing and diagnosis and treatment.

**Committee Direction Requests**

- Direct the Bureau to recognize fisheries economic disaster declarations and work with the Lummi Nation to insure that direct relief needs of its fishers covered under the Department of Commerce Disaster Declaration are met through General Assistance Emergency Assistance Funding.

- Direct the Bureau of Indian Affairs to work with Lummi Nation to insure that its needs related to the Salomon disaster are met through increased hatchery construction, operations and maintenance funding.
- Direct the Bureau Branch of Roads to support the Committee request that the Federal Lands High Way Project reserve \$6.million for the Lummi Nation Slater Road Elevation Project.
- Direct the Department of the Interior to fully fund the Office of Indian energy and Economic Development, Workforce Development Division to continue its job training/development work that has results in jobs.

Our people have problems and needs but we also have solutions. Today I am presenting a coordinated set of proposals to address the prolonged economic and cultural disaster imparting our people through the loss of our sockeye salmon. Starting over ten (10) years ago in 1999. In 2008, the Department of Commerce reissued the disaster declaration (See also –Congressional Research Services – CRS Report to Congress, Commercial Fishery Disaster Assistance, (RL-34209) May 2, 2008)), and we now seek ways to turn this scenario around to have a more positive outcome.

Our strategy is to consolidate our native and scientific knowledge of fish biology, behavior and management into the Northwest Indian Marine Education and Research Center for Excellence. (NICMERE). Collecting our professionals and traditional practitioners and field worker into a team to plan, design, finance and construct and operates create aquaculture and hatcheries facilities and programs. The same group would instruct and train aquaculture and hatcheries workers needed by theses facilities, through Northwest Indian College. Aquaculture/hatcheries facilities and operations are the only way to insure the salmon fisheries that was solemnly secured in 1855 by our fathers and yours, large enough to support our families and our way of life.

Our goal is to increase fish returns by improving aquaculture and hatchery production and creates a reliable, sustainable resource to salmon fishers by increasing enhancement. Additionally, we seek to raise the value of these harvests through advanced marketing, the introduction of a fisher's co-operative, and grow-out operations for shellfish products.

**Lummi Nation Specific Requests - Bureau of Indian Affairs**

**+\$5million (Nationally) Fisher's Disaster Assistance funding** – Lummi Nation is requesting funding to support emergency relief services for our fishers. This assistance is needed to help fishers make the transition from sockeye salmon to other salmon species and other commercial fishery resources. Lummi Nation is requesting the Committee provide the BIA Welfare Assistance Program an additional funding to address the Lummi Nation Fishers and West Coast Fisherman impacted by economic fisheries disaster.

**+\$12million - Salmon/Shellfish Hatchery** - The Lummi Nation currently operates three (3) salmon hatcheries and one (1) shellfish hatchery that support tribal and other fisheries in the region. The tribal hatchery facilities were originally constructed in the early 1970's. Predictably some of the original infrastructure needs to be repaired or replaced as it approaches the end of its useful life and other infrastructure needs to be developed or modified to ensure compliance with the Clean Water Act and/or the Endangered Species Act. Lummi Nation Fish Biologists estimate that these facilities are now operating at 40% of their productive capacity. While the Lummi Nation recognizes and appreciates



the \$2 million provided in 2010 for expanded hatchery funding these funds were distributed nationally without regard to the extreme need of the Lummi Nation and other Tribes impacted by the West Coast Salmon disaster. The 2010 funding must be maintained and expand further consistent with the needs of Tribes covered by existing disaster declarations.

**Lummi Salmon Hatchery – \$2,200,000.**

**\$720,000** Hatchery Intake – South Fork Nooksack Chinook Recovery program replace intake system that has high O&M and often fails.

**\$625,000** Large Pond Improvement – increase annual production capacity.

**\$855,000** New Raceways – replace originally constructed infrastructure that is deteriorating and falling apart.

**Lummi Salmon Hatchery - \$5,360,000**

Nooksack River pump station - This will increase the production capacity of Lummi Bay hatchery by improving water pumping capacity and resource.

**Lummi Shellfish Hatchery - \$570,000**

Multiple operation & maintenance issues for increasing production capacity in areas of feed, building insulation, heating & cooling systems, increase grows out tank space, results in increased seed production.

**Lummi Pond Tide Gates Improvements - \$3,510,000**

This project rehabilitates current shellfish hatchery to optimize production capabilities. Increased shellfish seed production increases enhancement activities on Lummi tidelands to create jobs for tribal shellfish harvesters and increase sales to the West Coast shellfish industry to create jobs for growers and businesses.

**Planning/Transportation - Bridge - Project**

**+\$6 million – Slater Elevated Road Project** *reserved for the Lummi nation through the Federal Land Highway Programs funneled through the Bureaus Indian Reservation Roads Program*

**Project Description:** The Lummi Nation is partnering with the Federal Emergency Management Agency and Whatcom County to elevate the eastern approach to the Slater Road Bridge over the Nooksack River. This section of Slater Road is frequently flooded by Silver Creek, which runs parallel to the Nooksack River. The project is an extension of the Slater Road Bridge over Sliver Creek, which is a salmon spawning stream.

**Need for the Project:** When this section of Slater Road is flooded, access to the Lummi Reservation, Lummi Island, the Cherry Point heavy impact industrial zone, and the City of Ferndale are severely limited. Most years these limitations last for days at a time. The impact threatens public health and safety and has substantial negative economic impacts for the retail, commercial and manufacturing businesses in the area.

**Matching Funding:** Lummi Nation has secured a \$3 million in project matching funds for the project through the Pre-Disaster Mitigation Program (the maximum grant allowable).

**Lummi Nation Specific Requests - INDIAN HEALTH SERVICE**

**Request for Contract Health Funds Allocation Formula Methodology**

Lummi Nation and all Tribes located in the Portland Area are not served by Indian Health Services Hospitals. We are totally dependent on the IHS Contract Health Care Program to support hospitalization and any health care measure performed outside of our limited

ambulatory health care clinic. The Lummi Nation has endured a shortage of contract health care funds for many years due to constantly increasing health care and health care administrative costs and a budget that does not keep pace. The Lummi Nation is requesting that the Committee direct the IHS to develop an allocation plan for contract health care funds that recognizes that Tribes, not served by an IHS Hospital incur greater contract health costs than those tribes who have an Indian Health Services Hospital.

**+ \$200,000 Direct funding to support Community-based Aids/HIV Rapid Testing**  
Lummi Nation is experiencing an epidemic of black tar heroin among its addicted members. This has increased the risk in our community for contracting HIV. We are seeking this funding on an emergency basis.

**National and Self-Governance Requests and Recommendations:**

- **BIA Requests:**
  - + \$21.4 Million for Johnson O'Malley Program;
  - + \$13.6 Million for Housing Improvement Program added to Tribal base programs;
  - +\$9 million General Increase to BIA Tribal Priority Allocation for inflationary and fixed costs;
  - Provide \$64 million increase for BIA Contract Support Cost (CSC), including Direct CSC; Provide \$5 million increase in the Indian Self-Determination (ISD) Fund;
  - Provide 100% of Fixed Costs (uncontrollable), including Tribal Pay Costs; and ,
  - Increase Office of Self-Governance Budget to fully staff to meet the needs of the increase in Tribes entering Self-Governance
- **IHS Requests:**
  - Provide \$474 million for IHS mandatory, inflation and population growth increase to maintain existing health care services;
  - \$330 million increase for Contract Health Services (CHS);
  - \$122 million increase for IHS to fully fund Contract Support Cost (CSC), including Direct CSC; and,
  - Increase \$5 million to the Indian Health Service (IHS) Office of Tribal Self-Governance

**Local/Regional Requests and Recommendations**

- **Affiliated Tribes of Northwest Indians**
- **Northwest Portland Area Indian Health Board**
- **Northwest Indian Fisheries Commission**

**Natural Resources**

In closing the Lummi Nation fully supports the Hatchery Reform Committee that is being set up in cooperation with University of Washington through the efforts of the Native American Fish and Wild life Society. We ask the Committee to become aware and supportive of this effort to increase our technical knowledge of hatchery development, operations, which is critical to the survival of our fishing communities.

I appreciate the opportunity to share the fiscal year 2011 budgetary priorities of the Lummi Nation.

Mr. MORAN. Thank you, Chairman Cagey, and right on the dot. You did it within 5 minutes.

Does anyone want to make a comment or question?

Mr. DICKS. I would just say we are pleased that on the BIA hatcheries we have been able to increase the funding by \$5 million over the last 2 years. It still starts from a very small number but we have tried to help increase the funding and we will continue to look at that.

Mr. MORAN. Very good. Thank you, Chairman Cagey.

Next we will hear from Douglas R. Nash, who is the director of the Institute for Indian Estate Planning and Probate at the Seattle University School of Law. Mr. Nash.

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TUESDAY, MARCH 23, 2010.

**INSTITUTE FOR INDIAN ESTATE PLANNING AND  
PROBATE AT SEATTLE UNIVERSITY SCHOOL OF LAW**

**WITNESS**

**DOUGLAS R. NASH**

Mr. NASH. Thank you, Mr. Chairman, Mr. Vice Chairman, members of the Committee. As noted, I am the director of the Institute for Indian Estate Planning and Probate at Seattle University School of Law. Our organization establishes projects that provide estate-planning services to Indian people nationwide. We provide direct services through those projects to tribal member clients at no cost, and the statistics and the results of our work are contained in my written statement. Our work has proven that effective estate planning reduces the issue of fractionation on Indian-owned trust lands and reduces probates and consequently the cost of those probates. They are done through the Office of Hearings and Appeals within the Department of the Interior.

Last year I appeared before the Subcommittee to urge funding for Indian estate planning projects. Last year the conference committee's report urged the Bureau of Indian Affairs to provide funding for Indian estate planning projects through existing budget line items. We tried for months to find out how that language would be implemented and met with no success in that regard. This year we note that the Department has submitted a request for five new positions to implement the American Indian Probate Reform Act and they propose to do this through researching cost-effective actions regarding Indian estate planning and providing public information through the use of brochures and the use of news media. While we appreciate the Department's interest and their actions, those proposed actions will not get wills done, they will not reduce fractionation and they will not avoid Indian probates. Consequently, they will not reduce the cost to the Federal Government for the Bureau's administration of those fractionated interest and the cost of the probates that eventually come to pass regarding those fractionated interests.

Through our projects and our experience, we have used almost every conceivable model to deliver estate-planning services to Indian people. We funded attorney projects, projects staffed by attor-

neys. We have utilized paralegals. We have the first Indian estate-planning clinic at Seattle University School of Law. We have stretched dollars so far as to establish pro bono projects in which retired attorneys provide estate-planning services at no cost. So we know the cost-effective models and we know how to stretch available dollars to provide the services.

We also agree that public information is essential. We have utilized all of our projects to hold community outreach meetings to provide information to Indian landowners, to tribal leaders and to government officials as well. We have a website that provides information on a regular basis based upon interest. It is divided amongst attorneys, Indian landowners and tribal leaders. Over the past 5 years we have reached over 14,000 Indian people with our community outreach efforts.

We have established that effective estate planning services will reduce fractionation, will reduce probates and consequently reduces the costs that are associated with those activities. We would ask again that this Subcommittee look at the prospect of funding those activities, which are built into the American Indian Probate Reform Act as is the authorization for appropriations and the direction of funds through contract to nonprofits as well as tribes.

Thank you, Mr. Chairman. I would be happy to answer any questions that you might have for me.

[The statement of Douglas R. Nash follows:]

**TESTIMONY OF DOUGLAS NASH, DIRECTOR  
CENTER FOR INDIAN LAW AND POLICY  
INSTITUTE FOR INDIAN ESTATE PLANNING AND PROBATE  
SEATTLE UNIVERSITY SCHOOL OF LAW  
BEFORE THE  
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
MARCH 23, 2010**

The fractionated ownership of Indian allotments created by the General Allotment Act of 1887 (GAA) has been estimated to cost the Department of the Interior approximately \$432 million annually to manage.<sup>1</sup> These costs will continue to increase each year if decisive action is not taken to appropriate the funds authorized in the American Indian Probate Reform Act (AIPRA).<sup>2</sup>

Over time, the system of allotments established by the GAA and subsequent intestate inheritance by multiple generations of descendants has resulted in the fractionated ownership of Indian lands. As original allottees died, their heirs received an equal, undivided interest in the allottees' lands, and so it went for generations. As of 2005, there were four million owner interests in the 140,000 tracts of individually owned trust lands, a situation the magnitude of which makes management of trust assets extremely difficult and costly.<sup>3</sup> These four million interests will expand to eleven million interests by 2030 unless major changes are made to address the problem.<sup>4</sup>

The Department of the Interior is responsible for maintaining title records of all trust land interests and managing income derived from the leases of trust land interests. Income must be allocated among all of the owners of undivided interests in each allotment. In some instances, the common denominator required to make this calculation extends 26 digits.<sup>5</sup> Income is maintained in federal Individual Indian Money (IIM) accounts for the individual owners, regardless of the size of their interest. In 1987, for example, one allotment had 439 owners with the smallest heir receiving \$.01 every 177 years and receiving \$.000418 of the \$8,000.00 appraised value if that heir's interest were sold<sup>6</sup>. Ross Swimmer testified that the BIA's administrative costs for this parcel were estimated at \$17,560 annually.<sup>7</sup>

<sup>1</sup> Majel Russell, *Historical Background to Fractionated Ownership of Indian Trust Lands*, Intertribal Monitoring Association Presentation PowerPoint, Northwest Regional Meeting, November 21, 2008

<sup>2</sup> 25 U.S.C. § 2206(f)

<sup>3</sup> Department of the Interior, Office of the Special Trustee for American Indians, Budget Justification FY 2005

<sup>4</sup> Testimony of David J. Hayes, Deputy Secretary of the Interior, before the Committee on Natural Resources, United States House of Representatives Hearing on the Proposed Settlement of Cobell v. Salazar, March 10, 2010.

<sup>5</sup> Testimony of Ross O. Swimmer, Special Trustee for American Indians, United States Department of the Interior, before the Committee on Resources, United States House of Representatives Hearing on S. 1721, The American Indian Probate Reform Act of 2004. June 23, 2004

<sup>6</sup> *Id.* Swimmer citing *Hodel v. Irving*, 481 U.S. 704 (1987)

<sup>7</sup> *Id.*

The probate of these fractionated trust assets is also an expensive function of the Department of the Interior. It was estimated that in 2008 an average probate cost approximately \$7,800, and approximately 3,500 Indian owners of trust assets die each year.<sup>8</sup>

To address fractionation, Congress amended the Indian Land Consolidation Act with the passage of AIPRA in 2004.<sup>9</sup> While AIPRA ends the fractionation of the already highly fractionated interests the GAA continues to fractionate all allotment interests of 5% or greater.<sup>10</sup> The drafters of AIPRA recognized this problem and provided authorization and appropriations for estate planning to further reduce or stop fractionation.<sup>11</sup> Without that funding, the allotted land base will continue to fractionate over generations, creating millions of new interests that will require substantial management and add significant costs to the Department.

**Who We Are:** The Institute for Indian Estate Planning and Probate (Institute) is part of the Center for Indian Law and Policy at Seattle University School of Law ([www.indianwills.org](http://www.indianwills.org)). The Institute was established in August, 2005, and is the only national, non-profit organization developing projects which deliver free estate planning legal services to trust land owners and tribes nationally. With the mission of assisting Indian people, the Institute develops projects that provide free estate planning services to trust land owners; provides training to tribal members, governmental officials and the legal community on the provisions of AIPRA, estate planning and the probate process; and serves as a clearing house that provides information via our website and published materials. The Institute has been uniquely successful in achieving those goals.

**A Proven Success:** In 2005, the Institute was the recipient of a one year, \$500,000 Department of Interior Pilot Project contract and the results clearly indicate that estate planning is a highly effective tool in reducing and eliminating fractionation.<sup>12</sup> In a short nine month contract cycle, the pilot project served more than 1,100 clients, and at the end of the contract, 586 individuals remained on a waitlist. A subsequent audit by the BIA concluded our estate planning project reduced fractionation of Indian lands; prevented the creation of 4,640 new interests; removed 679 interests from the probate process entirely; and 83.5% of the wills executed reduced fractionation.<sup>13</sup>

The Institute has had projects in Washington, Oregon, Idaho, Montana, South Dakota, Minnesota and New Mexico. These projects utilize personnel who are specially trained on AIPRA, Indian land history, and in counseling Indian clients on ways to reduce fractionation of their lands during their life time and with an estate plan. The free estate planning services include wills, durable powers of attorney, health care directives, assistance with gift deeds, and land sales to tribes. Our project models vary depending upon need and available funds. We have developed a number of successful project models using law student interns and paralegals; private and legal services attorneys. We have established pro bono projects, and at Seattle University School of Law, we created the first Indian Trust and Estates clinical course in the nation. In total, our

<sup>8</sup> *Id.*

<sup>9</sup> 25 U.S.C. §§ 2201 - 2201

<sup>10</sup> 25 U.S.C. § 2206(a)(2)(B)

<sup>11</sup> 25 U.S.C. § 2206(f)(4)

<sup>12</sup> Supplemental Audit Report under Task Order SEA-0004443 under AIPRA FY 2006 AIPRA Implementation Project, Phase II, Estate Planning Services Auditor, September 15, 2007

<sup>13</sup> *Id.*

projects have provided community education to over 14,000 Indian landowners, served over 3,300 clients, executed approximately 1,400 wills and 1,100 other estate planning documents and successfully reduced fractionation in approximately 87% of the estate plans.

**AIPRA Funding:** I appeared before the Committee in 2009 to request your assistance in providing full funding to implement AIPRA. We are grateful that the Conference Report on H.R. 2996, the Department of the Interior and Related Agencies Appropriation Act for 2010 directed the BIA to utilize funds that were included in the OIP account and the Indian Land Consolidation account for estate planning assistance as provided for under Section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)). This section of AIPRA authorizes the Secretary to enter into contracts with non-profit entities to provide estate planning and probate services to owners of fractionated interests in allotments. Over the last several months, we have attempted to work with the Department to determine how the available funds would be used to carry out the implementation of AIPRA, but we have not had any success. To our knowledge, the BIA has not initiated any effort to enter into contracts with non-profit entities to provide estate planning and probate services in 2010.

We note that the Department's budget request for 2011 reports that the [BIA] "is actively engaged in implementing" AIPRA, including the provision of probate services.<sup>14</sup> The request for 2011 is for more than \$13 million and includes 159 FTE. Virtually all of the funds and FTE appear to be directed at coordination with the Office of Hearings and Appeals in probate proceedings. In addition, the 2011 budget request includes \$1 million for 5 new FTE to implement AIPRA and the Indian Land Consolidation Act. The BIA proposes to use these funds and FTE to provide:

"educational information regarding the authorized provisions within AIPRA, information on lifetime transfers such as consolidation agreements through gifts, exchanges and family trusts, through probates and forced sales. It will also include information to tribes on monetization and in writing probate codes. This will be accomplished by creation and dissemination of brochures (in English and native languages), partnering with tribal colleges and tribal organizations, conducting community meetings and via public news sources such as local newspapers, radio and the internet."<sup>15</sup>

The BIA also plans to use the funds and FTE to:

"pursue partnerships with Indian organizations, various Indian land clinics, private attorneys, and legal aid groups to further research cost effective actions regarding estate planning. The initial push is to help more landowners complete estate planning and will drafting."<sup>16</sup>

The Department's proposed budget, while laudable, will not meet the needs of Indian Country nor will it reduce fractionation or probates and, consequently, will not reduce related costs. The

<sup>14</sup> Budget Request for the Bureau of Indian Affairs for 2011 at IA-RES-7.

<sup>15</sup> Id. at IA-ILC-3 and 4.

<sup>16</sup> Id. at 4. (Emphasis Added)

2011 BIA budget request does not provide any detail on what level of funding may be directed toward estate planning and will drafting. With all due respect, we do not believe that there is a need for research regarding estate planning and will drafting. It has been seven years since AIPRA's enactment and there is an acute and urgent need for action to fully implement its provisions. Through our various projects, we already know the most cost effective means of providing estate planning services to Indian clients. We know that face-to-face consultations are necessary with clients for effective estate planning and that those meetings often take place in a client's home or hospital room. We know that with informed counsel, clients will often choose plans that avoid fractionation and even probate. We know that Indian people often need wills that are valid under tribal and state as well as federal law, and we provide that service. We agree that education is important. That is why our programs have reached over 14,000 Indian land owners in the last five years and our website is designed to provide information specifically to Indian land owners, tribal leaders and attorneys..

**Cost Savings:** For each interest that estate planning reconsolidates or removes from the probate process entirely through gift deed or tribal sale, the government will save money. Costs will continue to increase with the exponential growth of fractionation.

**Appropriation Request:** Year 1 - \$750,000.00 – Personnel, travel, office and administrative costs; continue and expand the summer intern project; reestablish project for South Dakota Tribes.

Year 2 - \$1,000,000.00 – Personnel, travel, office and administrative costs; maintain existing projects, reestablish program for Minnesota tribes and establish Indian Estate Planning Clinics at 5 law schools.

Year 3- \$1,500,000.00 – Personnel, travel, office and administrative costs; maintain existing projects, continued expansion of summer program and establish projects for Navajo Tribe and Montana tribes,

Year 4 - \$1,750,000.00 – Personnel, travel, office and administrative costs; maintain existing projects, establish 5 new clinical programs and a project for Arizona tribes.

Year 5 – \$2,250,000.00 – Personnel, travel, office and administrative costs; maintain existing projects and establish projects to serve scattered reservations with estate planning needs.

**Contact Information:**

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Mr. MORAN. Thank you very much, Mr. Nash.

Any questions?

Mr. DICKS. So you are saying this is authorized so it does not need an earmark, it could just be funded by the Committee?

Mr. NASH. That is correct, sir.

Mr. DICKS. What about a website? Do you have a website?

Mr. NASH. We do, sir, Indianwills.org.

Mr. DICKS. Thank you.

Mr. MORAN. Mr. Cole.

Mr. COLE. Thank you, Mr. Chairman.

Mr. Nash, I am just curious, do you have any assessment on if Congress passed the Cobell settlement as negotiated, how would that impact what you are doing, particularly in the fractionated area? Would that be a big help dealing with some of these problems?

Mr. NASH. The provision of funds for the land consolidation effort would have a big impact. The land consolidation program, as you know, was part of the American Indian Probate Reform Act, and the Act was designed actually to have both fronts active, estate planning and land consolidation activities, and it has been our assessment for years that those activities, if funded and active, would eventually reduce fractionation to the point that it would not be a problem.

Mr. COLE. So I would assume on that ground alone you would see that the passage of the enactment of the settlement by Congress is a very good thing?

Mr. NASH. We would, sir.

Mr. COLE. Thank you very much.

Mr. MORAN. Very good. I am glad you asked that question. Thank you, Mr. Cole.

Mr. Simpson. Okay. Thank you very much, Mr. Nash.

Mr. NASH. Thank you.

Mr. MORAN. Next we will hear from Frances Charles, who is the chairwoman of the Lower Elwha Klallam Tribe.

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TUESDAY, MARCH 23, 2010.

## **LOWER ELWHA KLALLAM TRIBE**

### **WITNESS**

#### **FRANCES CHARLES**

Ms. CHARLES. Good morning. I thank you for the opportunity to testify on behalf of the Lower Elwha Klallam Tribe, and I would like to have it on record that we support the Affiliated Tribes Northwest of Washington State, the Northwest Portland Indian Health Board and also the Northwest Indian Fish Commission testimonies that are going to be heard before you today. Also, we support the budget request for the National Congress of American Indians and the Native American Health Board recommendations as well.

One of the reasons that I am here before you today, in 1992 Congress enacted the Elwha River Ecosystem and the Fishery Restoration Act, Public Law 102-495. The law mandated the removal of

the Elwha and Glines Canyon dams from the Elwha River. The government committee itself addressed the public health and safety environment and economic development issues that we pertain. Dam removal will occur in 2011 and we thank you for the continued support for the dam removal project itself. The law states in section 7, "Tribal land acquisition and development. After the Secretary makes a determination to remove the dams and actually acquires the projects and funds are appropriated for such conveyance and removal, the Secretary is authorized to acquire by purchase and hold in trust in reservation status for their benefit of the Lower Klallam Tribe lands in Klallam County, Washington, for housing, economy development and moorage for the tribal commercial and fishing fleets. (B) There is authorized to be appropriated amount not to exceed \$4 million to carry on land acquisition purposes for this section."

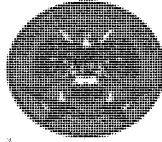
Congress authorized \$4 million for land purchases for the tribe to make amends for the damages of tribal fisheries. The National Park Services acts as a lead agency for the federal dam removal projects and the mandate did not include addressing any appropriation for the tribe. It has been 18 years since the Act was passed, and we are requesting for an additional amount from the \$4 million to \$15 million due to the prices of the economics and not only that, for the cost of the land bases of the properties around the Klallam County area.

And again, before the dams are removed, we are requesting some of the resources for the removal of the 200-year-old dams that have taken away and rendered the impossibilities of our tribal community who live on the fishing industry in the Port Angeles area. Of the \$15 million requested, the tribe would immediately use \$2 million to purchase and improve 12 acres centrally located on Highway 101 on the east shore of Lake Aldwell, therefore gaining a timely opportunity to develop the land that is contiguous to the project land that the tribe also seeks to acquire.

Improvements would facilitate conversion of the parcel from private to public use including road access development, wastewater treatment, parking, utilities, trail development and facility upgrade. Acquisition and development on this site provide the unique setting for a world-class interpretative center to foster research in educational outreach and showcase ecosystem restoration, which will follow with the dams itself. So we ask for your continued support in that area.

Also, the Lower Elwha Klallam Tribe is requesting funds for the tribal historic preservation in Port Angeles area that we are enriched with the cultural resources of significant sites. We have been involved in protecting and restoring the two ancient village sites which we had remains of over 300 of our Klallam ancestors, one of the largest single sites that have been unearthed west of the Mississippi River. Other sites of that area also include Ennis Creek, which is undergoing a cleanup. We also have other areas of the Pish as well as the dam, removal of sacred sites where we have ceremonial sacred grounds that we have been entwined with our community members and our elders have indicated a lot of the stories that are in some of their books for the youth and for our community itself.

We are also asking for the need to continue with the support for the National Historic Preservation and the Native American Grave Protection Act itself in those areas, and we really emphasize the importance, and we thank you for the opportunity to testify and that you have passed the health bill. We also encourage you to put some more money and resources to the tribal programs. Thank you.  
[The statement of Frances Charles follows:]



## LOWER ELWHA KLALLAM TRIBE

ᏊᏊᏊᏊ ᏊᏊᏊᏊᏊᏊᏊᏊᏊᏊ "Strong People"  
2851 Lower Elwha Road Port Angeles WA 98363

**Testimony of The Honorable Frances G. Charles**  
Chairwoman, Lower Elwha Klallam Tribe  
Before the House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
For the Bureau of Indian Affairs and the Indian Health Service FY 2011 Budgets  
March 23, 2010

Good morning Chairman Moran, Congressman Dicks representing my district in Port Angeles, Washington, and other distinguished members of this Committee. My name is Frances Charles, Chairwoman of the Lower Elwha Klallam Tribe. I thank you for the opportunity to testify on priority funding for the delivery of basic services to the Elwha people, and in support of increased appropriations for Native programs in the FY 2011 budgets for the Bureau of Indian Affairs and Indian Health Service Budgets.

### Tribal Specific Requests

1. \$15 Million for Lower Elwha Klallam Land Acquisition and Economic Development
2. \$458,000 for Lower Elwha Klallam Tribal Historic Preservation

### Regional Support Requests

1. Support the Request of the Affiliated Tribes of Northwest Washington
2. Support the Request of the Northwest Portland Indian Health Board
3. Support the Request of the Northwest Indian Fisheries Commission

### National and Self-Governance Support Requests

1. BIA - Provide \$82.9 million General Increase to BIA Tribal Priority Allocation for inflationary and fixed costs
2. BIA - Provide \$64 million increase for BIA Contract Support Cost (CSC), including Direct CSC
3. BIA - Provide \$5 million increase in the Indian Self-Determination (ISD) Fund
4. BIA - Provide 100% of Fixed Costs (uncontrollable), including Tribal Pay Costs
5. BIA - \$12 Million for National Historic Preservation Officer Program
6. Increase Office of Self-Governance Budget to fully staff to meet the needs of the increase in Tribes entering Self-Governance;
7. IHS - Provide \$474 million for IHS mandatory, inflation and population growth increase to maintain existing health care services
8. IHS - \$330 million increase for Contract Health Services (CHS)
9. IHS - \$122 million increase for IHS to fully fund Contract Support Cost (CSC), including Direct CSC
10. IHS - Increase \$5 million to the Indian Health Service (IHS) Office of Tribal Self-Governance

**The Elwha Klallam Tribe supports the FY 2011 Budget requests NCAI and NIHB.**

### Tribal Specific Request Narrative

Lower Elwha Klallam Tribe

Page 1 of 4

**\$15 Million for Lower Elwha Klallam Land Acquisition and Economic Development** - In 1992 Congress enacted the Elwha River Ecosystem and Fisheries Restoration Act (P.L. 102-495). The law mandated the removal of the Elwha and Glines Canyon dams from the Elwha River. Since then, the U.S. Government has committed itself to Elwha River restoration and to addressing the public health and safety, environmental, and economic development issues associated with the dam removal. Dam removal is scheduled to begin in 2011. The law states:

*“SEC. 7. Tribal Land Acquisition and Development.*

*(a) After the Secretary makes the determination to remove the dams and actually acquires the Projects and funds are appropriated for such conveyance and removal, the Secretary is authorized to acquire by purchase, and hold in trust in reservation status for the benefit of the Lower Elwha Klallam Tribe, lands in Clallam County, Washington, for housing, economic development, and moorage for the Tribal commercial fishing fleet.*

*(b) There is authorized to be appropriated an amount not to exceed \$4,000,000 to carry out the land acquisition purposes of this section.”*

Congress authorized \$4 million for land purchases for the Tribe to make amends for damages to tribal fisheries. The National Park Service (NPS), acting as the lead agency for the federal dam-removal project, decided that its mandate did not include addressing any appropriation to the Tribe. In the 18 years since the Act was passed the project has moved forward, but *without any appropriations* for tribal land acquisition. There has been a significant increase in property prices since 1992. For this reason, and to affect the intended purposes of the 1992 Act, the Tribe has repeatedly requested that Congress increase the initial \$4 million authorization to \$15 million so that the Tribe could begin the necessary activities identified in the Act before dam removal commences next year.

Acquisition of land was part of the broader Elwha River Ecosystem and Fisheries Restoration Act which will restore Elwha River fisheries and permit the Lower Elwha Klallam Tribe to resume its historic livelihood of salmon fishing in the Elwha River, which the two 100 year-old dams had rendered impossible. The provision of the law for land acquisition was and is necessary to mitigate the disruptive effects of the dam removal process and to provide the Tribe with land for much needed housing and to pursue economic development that will generate funding to build upon the tribal infrastructure and strengthen the economy of the reservation.

Of the \$15 million dollar request, the Tribe would immediately use \$2 million to purchase and improve 12 acres centrally located on Highway 101 on the east shore of Lake Aldwell, thereby gaining a timely opportunity to develop land that is contiguous to the Project Lands that the Tribe also seeks to acquire.

Improvements would facilitate conversion of the parcel from private to public use, including: road access development, potable water, wastewater treatment, parking, utilities, trail development and facility upgrades. Acquisition and development of this site provide the unique setting for a world-class interpretative center to foster research, educational outreach, and a showcase for ecosystem restoration that will follow removal of the Elwha Dams.

**\$458,000 Million for Tribal Historic Preservation** - The Lower Elwha Tribe is located in an area that is extremely rich in cultural resources and significant sites. We have been involved in the protection and restoration of the Tse-whit-zen village and cemetery site in downtown Port Angeles, where we have re-interred the remains of over 300 of our Klallam ancestors, the largest single site that has been unearthed west of the Mississippi River. Other sites of equal or greater significance exist in Port Angeles and surrounding areas. One such site is the Y'innis village site on Ennis Creek, which flows through the site of an abandoned lumber mill that is currently undergoing cleanup. The Tribe is involved in overseeing the cleanup of that site, the restoration of Ennis Creek, and the protection of the village site.

The Tribe must also spend ever-increasing time responding to federal agency requests for consultation under Section 106 of the National Historic Preservation Act (NHPA) of 1966. As you know, the NHPA declared that the preservation of our irreplaceable heritage was in the Nation's interest and agencies must consider the effects of their undertakings on historic properties in consultation with affected Tribes. This consultation is at the heart of the federal-tribal relationship, but without adequate funding support for a Tribal Historic Preservation Office, the consultation requirement functions as an unfunded mandate. In addition, the Tribe's activities associated with its rights under the 1990 Native American Graves Protection and Repatriation Act (NAGPRA) have intensified in a number of areas, including the completion of summaries and inventories of remains and objects. In order to protect its cultural heritage and its rights and opportunities under NHPA and NAGPRA, and to ensure that the major sites in the Port Angeles area are protected from development and natural resources restoration activities, the Tribe needs a basic THPO program. Such a program requires at a minimum a qualified staff that meets the Secretary of Interior Standards as an Archeologist or Cultural Resource Director that can review the projects scheduled for implementation and provide Tribal comment. This funding request will provide the Tribe with that basic program and assist in averting another disaster like the one that occurred at the Tse-whit-zen site.

**National and Self-Governance Support Requests Narrative**

1. ***BIA - Provide \$82.9 million over the FY 2010 enacted level for General Increase to BIA Tribal Priority Allocation for inflationary and fixed costs:*** This funding has steadily eroded due to inflation and population growth. The effects of rising costs of travel, equipment, supplies, and purchased services have been compounding for years while the Native American population has increased at 1.6% per year. Since Tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, they are the main resources for Tribes to exercise their powers of Self-Determination and Self-Governance.
2. ***BIA - Provide \$64 million increase for BIA Contract Support Cost (CSC), including Direct CSC:*** Full funding of CSC covers the fixed overhead costs that a Tribe must incur to operate a BIA program or facility as required under the Indian Self-Determination and Education Assistance Act. When CSC is not fully funded, Tribes are forced to utilize limited direct program services dollars or Tribal resources to cover these shortfalls. We respectfully urge the Subcommittee to fund these essential services and not permit Indian agreements to remain the only government contracts that are not fully funded.
3. ***BIA - Provide \$5 million increase in the Indian Self-Determination (ISD) Fund***
4. ***BIA - Provide 100% of Fixed Costs (uncontrollable), including Tribal Pay Costs: The 2011***

President's budget does not include an increase for anticipated fixed costs, including pay and benefit costs. Without this funding, Tribal programs will be forced to absorb these uncontrollable fixed costs. *We respectfully urge the Subcommittee to provide annual increases for Tribal pay and fixed costs to avoid progressive program declines.*

5. **BIA - \$12 Million for National Tribal Historic Preservation Officer Program (THPO):** The President's proposed level of \$8 million in FY 2011 will continue to increase the shortfall that THPOs are experiencing, yet the program continues to expand. We further recommend that future program expansion be funded with increased appropriations for the program in order not to impact the funding of existing THPO programs.
6. **IHS - Provide \$474 million for IHS mandatory, inflation and population growth** increase to maintain existing health care services: Mandatory costs increases are necessary to maintain the current level of services. These "mandatories" are unavoidable and include medical and general inflation, pay costs and population growth. Maintaining current services is a fundamental budget principle. Failure to do so would result in cuts in health care and delivery. We estimate the current services need in FY 2011 is \$474 million.
7. **Increase Office of Self-Governance Budget to fully staff to meet the needs of the increase in Tribes entering Self-Governance;**
8. **IHS - \$330 million increase for Contract Health Services (CHS):** Tribes have recommended that an increase of \$330 million is needed for CHS funding. At present, less than one-half of the CHS need is being met, leaving too many Indian people without access to necessary medical services. This level will allow those Tribes who are not served by an IHS Hospital to provide health care services at the same level as those Tribes who are served by an IHS Hospital.
9. **IHS - \$122 million increase for IHS to fully fund Contract Support Cost (CSC), including Direct CSC:** This year's FY 2011 request of a \$45.8 million increase for Contract Support Costs (CSC) continues a sad chapter of neglect for Indian Self-Determination. For FY2011, the estimated shortfall is \$122 million. The present shortfall creates a disincentive for Tribes to pursue Self-Governance compacts, and diminishes available health care funding as Tribal budgets must absorb the shortfall amounts.
10. **IHS - Increase \$5 million to the Indian Health Service (IHS) Office of Tribal Self-Governance:** As of 2010, there are 330 Self-Governance (SG) Tribes managing approximately \$1.2 billion in funding. This represents 57% of all federally-recognized Tribes and 33% of the overall IHS funding. The Office of Tribal Self-Governance (OTSG) supports Tribes operating programs under the Tribal Self-Governance Amendments of 2000. The Self-Governance process serves as a model program for federal government outsourcing, which builds Tribal infrastructures and provides quality services to Indian people.

Thank you for this opportunity. If there are questions I am available to respond.

Mr. MORAN. Very good. Well done, Ms. Charles. Thank you.

Mr. Dicks, did you have anything?

Mr. DICKS. Well, I just want to say, this is going to be a very exciting year with the contracts going out finally for the dam removal, and it is a very large project but one that I think is going to be very beneficial to the tribe.

Ms. CHARLES. Thank you.

Mr. MORAN. Mr. Cole. Mr. Simpson. Okay. Very good. Thank you very much, Ms. Charles.

Ms. CHARLES. One other comment is, please support our veterans that are out there. Thank you.

Mr. MORAN. That is very good.

Mr. DICKS. We do.

Mr. MORAN. Now we will hear from Mr. David Bean, who is a council member of the Puyallup Tribe of Indians. Mr. Bean, please proceed.

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TUESDAY, MARCH 23, 2010.

## PUYALLUP TRIBE OF INDIANS

### WITNESS

#### DAVID BEAN

Mr. BEAN. Chairman Moran, Vice Chairman Dicks, members of the committee, thank you for allowing us to be here today to share our priorities for the fiscal year 2011 budget.

I am here on behalf of our chairman, Herman Dillon, Sr. The Puyallup Tribe's top priority is addressing the public safety needs of our community. For the last decade, the Puyallup Reservation has been in the crossfire of over 30 identified gangs. In the last 5 years, we have lost several members as a result of gang violence. Our experience is that they are targeting younger and younger people every year but also if we do not stem this wave, we will lose a generation of Puyallup. The violence and criminal activity has touched virtually every family on our reservation, so our public safety needs are acute in all areas from patrol officers, tribal court funding, investigators and prosecutors.

We presently fund 95 percent of our public safety. The BIA only funds 5 percent. What is more alarming is that the BIA's amount of funding we have received in the last decade, we have not received any increases in the last decade. We understand that the increases in the BIA law enforcement accounts have been largely kept within the BIA itself. We urge the Committee to ensure that law enforcement funding is shared proportionately between the BIA and tribal law enforcement agencies.

In responding to growing public safety need, the Puyallup Tribe fulfilled a vision in planning and development of a new justice center, a place where we will not only be able to properly house and rehabilitate offenders but also provide justice in a holistic and comprehensive way. We are honored to have received a DOJ ARRA grant for construction of the detention center portion and will be breaking ground within the next 90 days. However, we are fearful that the BIA will not be able to honor its commitment to fund the



operations of these new detention facilities once they come online. We urge the Committee to fund the operation of these new facilities and closely monitor the BIA's process in this regard.

The tribe's second priority is the education of our children. We are deeply disappointed in the BIA's budget for education. There are no proposed programmatic increases for BIA or tribally operated schools. Thus, our schools must now do the same job of educating our children with less funds, consequently, less staff. It is no wonder numerous tribal schools are failing the No Child Left Behind standards.

Finally, within the BIA's account, the Puyallup Tribe takes very seriously the responsibility to protect and manage our treaty-protected rights and resources. Thus, we fully support the President's \$28 million funding for BIA rights and protection. What we would ask is that Congress fund this account to the full \$30 million that was provided by Congress in fiscal year 2010.

I end this testimony with again a statement of thanks for the President's proposed 8 percent increase in the Indian Health Service funding. However, the lines at our clinic and the health status of my elders tell me that this is not enough. Medical appointments are scheduled 3 months out, and in our dental clinic, patients wait up to 18 months for a root canal. Oftentimes they need a tooth extracted before it can be fixed. The contract care allocation has been significantly inadequate to meet the needs since 2004. At Puyallup alone, we face a \$6 million shortfall. With no IHS hospitals in the Portland area, all specialty and hospital services are paid for out of contract health care. This means that children go without access to optometry and our elders are denied access to surgeries and specialty care. There is no access to after-hours urgent care, mammography, colonoscopy or inpatient drug and alcohol treatment. The tribe can fill some of this gap but we cannot fill it all. We need your help.

And so in closing, I raise my hands to each and every one of you and say to you, thank you all for being here today and allowing us to share our priorities with you.

[The statement of David Bean follows:]

**TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS BEFORE THE  
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND  
RELATED AGENCIES  
FISCAL YEAR 2011**

Mr. Chairman, my name is **David Bean**, Tribal Councilmember of the Puyallup Tribe of Indians. We thank the Committee for past support of many tribal issues and in your interest today. We share our concerns and request assistance in reaching objectives of significance to the Congress, the Tribe, and to 25,000+ Indians (constituents) in our Urban Service Area.

**U.S. Department of Interior - Bureau of Indian Affairs** - The Puyallup Tribe submits the following detailed written testimony to the U.S. House Subcommittee on Interior, Environment and Related Agencies. We look forward to working with Congress to insure that funding levels for programs necessary for the Puyallup Tribe to carry-out our *sovereign responsibility of self-determination and self-governance* for the *benefit of the 4,004 Puyallup tribal members and the members from approximately 355 federally recognized Tribes who utilize our services* are included in the F.Y. 2011 budget.

**Puyallup Nation Law Enforcement:** The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation encompasses most of the City of Tacoma, but the area is a "checkerboard" of tribal lands, Indian-owned fee land and non-Indian owned fee land. Our reservation land includes parts of six different municipalities (Tacoma, Fife, Milton, Puyallup, Edgewood and Federal Way). The Puyallup Tribe also provides services for the 4,004 tribal members and 25,000+ Native Americans from over 355 Tribes and Alaskan Villages. The Puyallup Nation Law Enforcement Division currently has a Chief of Police, twenty-six (26) commissioned officers and two (2) reserve officers to cover 40 square miles of reservation in addition to the usual and accustomed areas. Due to limited federal funding for law enforcement in Indian Country, only two (2) officers are funded with P.L. 93-638 funds. The remaining Patrol Officers (26) and Detention Officers (9) positions are funded by the Tribe. The total cost of law enforcement services, including facilities operations and maintenance, exceeds \$5.7 million per year. These costs are paid for with Tribal earned income. With the continuing increase in population, increase in gang related activities on the Puyallup Reservation and the impact of the manufacturing of methamphetamines in the region, the services of the Puyallup Nation Law Enforcement Division are exceeding maximum levels.

A major area of concern has been the status of the **Tribe's Detention Facility**. Due to damages from the February 2001 Nisqually earthquake, we have had to relocate to modular/temporary facilities. Operated as a "regional detention facility" the Puyallup Tribe was able to provide detention service to surrounding Tribes. Since the relocation to modular facilities the Tribe's ability to effectively and safely incarcerate detainee's has been compromised due to the condition of the temporary detention facilities. These conditions have been verified by a recent inspection by the B.I.A. with a recommendation that no further funds be allocated to try and bring the facility up to any standard. In an effort to protect the safety and welfare of the native community the Puyallup Tribe has initiated the design and construction of a 46,697 sf. "**Justice Center**" to be located on the Puyallup Indian Reservation. The total construction cost of the Justice Center is estimated at \$23.8 million, is being designed for a "Phased" implementation and will provide necessary facilities for the delivery of judiciary services including a Tribal Court, Court Clerk, Prosecution, Probation, Public Defender and Law Enforcement services including Police Headquarters and a 17,465 sf., 28 bed "**Adult Detention facility**" (Phase I). The Tribe was successful in securing F.Y. 2009 Department of Justice ARRA Correctional Facilities on Tribal Lands Program: Construction of Detention Facilities for Adult and Juvenile Offenders funding in the amount of \$7,936,648 for the construction of the 28 bed Adult Detention facility. An

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additional \$1.1 million necessary for the completion of Phase (I) is being provided with Tribal Revenues. It is anticipated that this facility will come on-line at the beginning of F.Y. 2012 with an estimated operations and maintenance cost of \$1.3 million. The Puyallup Tribe has commenced the process of submitting a P.L. 93-638 contract request to the B.I.A. for O&M funding for the facility. In order to complete the Tribe's "Justice Center" approximately \$14.8 million is necessary for the construction of the Law Enforcement facility (Phase II) and the Judicial/Tribal Court Center (Phase III).

- *Request Subcommittee support to increase funding to the BIA Public Safety and Justice Law Enforcement at the FY 2010 enacted budget level of \$52 million and further request that the B.I.A. transfer Law Enforcement back into Tribal Priority Allocations (TPA);*
- *Support from the Subcommittee on the Tribe's P.L. 93-638 contract request to the B.I.A. for Operations and Maintenance funding for the Tribe's Adult Detention Facility, estimated at an annual cost of \$1.3 million;*
- *Support from the Subcommittee to fund the Tribal Courts budget in the F.Y. 2011 budget at no less than \$25 million and request that the Subcommittee issue directive language to BIA to include increased funding for the Tribal Courts FY 2012 budget to allow for construction/renovation of Tribal Court facilities.*

**Fisheries, Wildlife & Natural Resources Management:** The Puyallup Tribe as steward for land and marine waters in the Usual and Accustomed fish, shellfish and wildlife areas has treaty and Governmental obligations and responsibilities to manage natural resources for uses beneficial to the regional community. Despite our diligent program efforts, the fisheries resource is degrading and economic losses are incurred by Indian and Non-Indian fisherman, and surrounding communities. Our Resource Management responsibilities cover thousands of square miles in the Puget Sound region of the State of Washington with an obligation to manage production of anadromous, non-anadromous fish, shellfish and wildlife resources. Existing levels of support are inadequate to reverse the trend of resource/habitat degradation. Resource management is constrained due to funding shortfalls. *We seek Committee support and endorsement in the following areas:*

- *Tribal Fisheries Resource Management, Hatchery Operation and Maintenance funding via P.L. 93-638 contracts have not increased substantially since establishment of base budgets in 1984. The demand on Puyallup Tribal Fisheries Program has grown exponential since the eighties and is currently faced by Endangered Species Act listings on numerous species. We request and concur with the Northwest Indian Fisheries Commission that increases in F.Y. 2010 Rights Protection Implementation funding be used to establish new base management funding for F.Y. 2011. We further support the existing BIA hatchery maintenance and rehabilitation and the Hatchery Reform Implementation be funded at the proposed F.Y. 2011 budget level;*
- *Steelhead numbers throughout the south Puget Sound region have diminished markedly over the past 20 years. Generally, harvest management restrictions in the form of fishing closures, wild fish release regulations and curtailed seasons and/or bag limits have been enacted to protect wild stock. To avoid possible extinction the Puyallup Tribe proposes to construct a steelhead enhancement facility to be located on a 13 acre property owned by the Tribe on Wilkeson Creek in eastern Pierce County. The program will be capped at rearing 150,000 smolts on a combination of surface and pumped well water. The steelhead will be reared for approximately 15 months. This project will facilitate the Puyallup Tribe and other resource agencies involved to help stave off extinction of wild winter steelhead in the Puyallup Watershed. We request Committee support to*

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*appropriate \$1.426 million for the Wilkeson Creek Property Steelhead Hatchery Project;*

- *Washington Timber-Fish-Wildlife Program - U.S./Canada Pacific Salmon Treaty. The TFW and the U.S./Canada Pacific Salmon Treaty programs has allowed for the expansion of tribal participation in the state forest practice rules and regulations and participate in inter-tribal organizations to address specific treaties and/or legal cases which relate to fishing rights, harvest and management. We request Committee support to provide funding for the TFW and U.S./Canada Pacific Salmon Treaty at the FY 2010 enacted budget level;*
- *Unresolved Hunting and Fishing Rights Program – Tribal Wildlife Management has been the lead agency in management activities to benefit the South Rainier elk herd since 2004. The South Rainier elk herd is the primary stock of elk harvested by the Puyallup Tribe. The Tribe has not only established more reliable methods for population monitoring, but has also been proactive in initiating habitat enhancement projects, research, and land acquisition to ensure sustainable populations of elk for generations. Funds that have been made available to the Tribe have been on a very competitive basis with a limited amount per program via USFWS Tribal Wildlife Grants and B.I.A. Unresolved Hunting and Fishing Rights Grants. We request Committee support to provide F.Y. 2011 base funding in the amount of \$100,000 for the Wildlife Management Program budget.*

**Operation of Indian Programs & Contract Support Costs:** The President's FY 2011 budget needs increased funding for the B.I.A. - Operation of Indian Programs. Within the Operations of Indian Programs is the Tribal Priority Allocations (TPA). The TPA budget functions include the majority of funding used to support on-going services at the "local tribal" level, including; law enforcement, natural resources management, child welfare, housing, tribal courts and other tribal governmental services. These functions have not received adequate funding to allow tribes the resources to fully exercise self-determination and self-governance. Further, the small increases "TPA" has received over the past few years have not been adequate to keep pace with inflation. *At a minimum, we request your support and endorsement in the following;*

- *Support by the Committee to fund Operation of Indian Programs FY 2011 request of \$2.4 billion and fund Contract Support costs at 100% level;*
- *Tribal communities have some of the greatest needs in the areas of child abuse and neglect and mental health services. Addressing the current unmet needs in providing services to our most vulnerable and victims of abuse should be a priority of all people. The Puyallup Tribe proposes the development of a Child Advocacy Center and Domestic Abuse Center designed to provide services for children, youth and families in need of child welfare, mental health and juvenile justice services. We request Committee support to increase funding for Indian Child Welfare (TPA) by \$45 million; Increase Urban Indian Child Welfare Programs by \$ 15 million; and Increase Child Welfare Assistance, B.I.A. by \$ 55 million.*

**Education:** Under DOI, B.I.A.'s budget has historically been inadequate to meet the needs of Native Americans, resulting in unmet educational needs that have multiplied over the past decade. The Puyallup Tribe operates the pre-K to12 Chief Leschi Schools which includes a verified 2008-2009 School student enrollment of 910+ students, including ECEAP and the FACE program. The enrollment figures represents near capacity with all classrooms being utilized on a daily basis. With an increasing number of "pre-kindergarten" enrollment, Chief Leschi Schools will exceed design capacity in the near future. *We request Committee support in the following;*

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- *We concur with the Committee's strong opposition to the President's proposed cut to Indian school construction and request that Indian school construction funding be restored to the F.Y. 2003 level of \$293 million;*
- *The proposed F.Y. 2011 budget level of \$804 million for education programs is an increase of \$5 million from the F.Y. 2010 level. However, this amount is inadequate, does not include any across-the-board increases for tribal and B.I.A. schools and no inflationary adjustments. We concur with the NIEA recommendations to increase education programs in F.Y. 2011 and 2012;*

**DHHS Indian Health Service:** Funding for the Indian Health Service fails to meet the needs of health services for Native Americans. The Puyallup Tribe has been operating their health care programs since 1976 through the Indian Self-determination Act, P.L. 93-638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program to an expanding population in Tacoma and Pierce County, Washington.

There are no I.H.S. hospitals in the Portland Area so all specialties and hospital care have been paid for out of our contract care allocation. The Contract Care allocation to PTHA has been significantly inadequate to meet the needs since 2004 when the Puyallup Tribe subsidized Contract Health with a \$2.8 million dollar contribution; in 2005 PTHA shifted to a priority one status. By 2009 the tribal subsidy reached a staggering \$6 million dollars. Given that the PTHA service population is only comprised of 17% Puyallup Tribal members tribal budget priorities in 2009 indicate the Tribe will no longer be able to make subsidies to the PTHA. Contract Health dollars are expected to run out by mid 2010. *We request the following Committee support for the F.Y. 2011 budget;*

- *Fund Puyallup Tribal Health Authority Contract Health Care Fund an additional \$6 million dollars to match F.Y. 2010 tribal expenditures. Fund the Indian Health Service Contract Health Services budget at \$864 million for F.Y. 2011, an increase of \$84 million;*
- *Fund I.H.S. at the \$428 million dollar increase required to maintain current service levels including medical inflation, payroll increase and population growth;*
- *Fund Contract Support Costs at \$444 million for F.Y. 2001, an increase of \$46 million over the F.Y. 2010 level;*
- *Exempt I.H.S. budget from rescissions. I.H.S. health programs are subject to the same rates of medical inflation as the Veterans Administration and are deserving of the same consideration;*
- *The Indian Health Care Improvement Act (P.L.94-437) provides funding for the Indian Health Services and has been pending re-authorization since F.Y. 2000. The Puyallup Tribe of Indians supports all efforts by Congress and the Administration to pass the Indian Health Care Improvement Act.*

Mr. MORAN. Thank you very much, David.

Mr. Dicks.

Mr. DICKS. Well, I want you to know that we are working with the local law enforcement people and we want to work with the tribe as well on this gang-related issue. This is a very serious matter. We take it seriously and we want to work with you on that and all the other issues that you presented.

Mr. MORAN. Mr. Cole.

Mr. COLE. I have several questions. First, thank you for your testimony. It is quite compelling. I am sorry I am not familiar with a lot about your particular tribe, but can you tell me what sources of income independent, if any, of the Federal Government you have? Do you have any tribal businesses?

Mr. BEAN. We do have tribal businesses. We have a tribal casino. We are in the process of developing a port facility that was developing several acres of land that was returned to the Puyallup Tribe in 1988, the historic land claim settlement agreement that Vice Chairman Dicks was so instrumental in helping bring to life, so I want to say thank you for that, and we have a tax base where tax on cigarette sales, fuel sales, and exploring opportunities to diversify our economy.

Mr. COLE. I am particularly struck, again you mentioned three areas and you started out with law enforcement, and obviously that is a matter of concern to everyone and we do obviously have a trust responsibility there, which I would suspect we have not met. In terms of law enforcement, I saw a little bit in your testimony, what is the size of your total budget and what are the sorts of things you need from the BIA, number one, and two, jurisdictionally, do you have some problems, do you feel limitations in terms of the amount of authority you get to exercise over your own land or people that commit crimes in your own territory?

Mr. BEAN. Yes, there are several limitations. We are working with local law enforcement jurisdictions to cross-deputize our officers but have met some obstacles in that regard. Our public safety budget is about \$5.7 million annually, and again, we find 95 percent of that, and so I would look for funding to increase our patrol officers. I would look for funding to help expand our court system as well as investigators, prosecutors.

Mr. COLE. Last question, just on your health care needs. Again, what sort of percentage, if any, of that do you fund and is it contract services? Do you operate your own clinics? How does your health care structure work?

Mr. BEAN. We do operate our own clinic. We contribute about \$6 million annually to our clinic. Its annual budget is about \$21 million. So we fill that gap as best we can but again we fall short and appreciate any help you can give us towards that end.

Mr. COLE. I will conclude with this. I just wanted to make the point, Mr. Chairman, a lot of these tribes, whatever their economic base, they turn around and invest very heavily back in their own people, actually making up for the shortfall that we legally are responsible for, and I suspect we are going to get case after case after case like this where you have tribes doing as much as they possibly can and really relieving the burden of the Federal Government, and these are areas, we did make a lot of progress last year. Chair-

man Dicks deserves credit for that more than any other single individual, but these are problems that are going to take sustained investment over many years to really catch up with the backlog. Thank you for your testimony.

Mr. BEAN. Yes, sir.

Mr. MORAN. Thanks, Mr. Cole.

Mr. Simpson.

Mr. SIMPSON. Did you say you were building, were planning to build a justice center?

Mr. BEAN. Yes, sir. We have been planning a justice center for quite some time and again appreciate having been awarded ARRA funding for our detention center.

Mr. SIMPSON. So it is in the planning stage?

Mr. BEAN. Yes, sir, and we plan to break ground here in the next 90 days.

Mr. SIMPSON. One of the things we put in the language of the report last year is that the BIA should look at regional facilities, and the reason I ask this is, Shoshone-Bannock Tribe, Fort Hall Reservation, just opened a justice center. I went to their opening in February. They actually built it and their concern is the same as yours, operating these afterwards, but the language we put in the report is that the BIA should look at the possibility of regional facilities. Would this be a regional facility? Would you be able to use it for that?

Mr. BEAN. We could. We would have to expand it. Presently, it is only 26 beds. There are 25,000 Native Americans within our service area, and so we definitely—our needs are larger than what we have presently for this facility.

Mr. SIMPSON. Do the other tribes in the same region have the same issues with the justice—when I went out and looked at the facilities, the buildings, they were, frankly, deplorable. Do the other tribes have those same problems?

Mr. BEAN. Yes. I recently visited. I was east of the mountains in Spokane and saw a BIA facility, and it was just in terrible condition, not very safe, as well as our own. I have been to the Nisqually Tribe. They are developing a beautiful facility, which is about 20 miles south of Puyallup.

Mr. SIMPSON. Thank you.

Mr. MORAN. Thanks, Mr. Simpson.

Thank you, Mr. Bean. Thank you very much.

We will now hear from Mr. Billy Frank, who is the chair of the Northwest Indian Fisheries Commission. Mr. Frank.

Mr. DICKS. Welcome, Billy.

Mr. MORAN. You can introduce the folks that you are accompanied with.

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TUESDAY, MARCH 23, 2010.

## NORTHWEST INDIAN FISHERIES COMMISSION

### WITNESSES

**BILLY FRANK, JR.**

**BOB KELLY**

**MICHAEL GRIM**

Mr. FRANK. We are handing out our annual report. There is a map in front there. That tells who we are, Mr. Chairman.

Thank you for having us here, and congratulations, Mr. Dicks.

Mr. MORAN. Mr. Dicks is now responsible for the country's defense in addition to being responsible for its interior.

Mr. DICKS. Formerly.

Mr. FRANK. That is good. I am Billy Frank, chairman of the Northwest Indian Fish Commission. It is indeed a privilege for me to be among the distinguished cadre of Northwest tribal leaders, who are also here, and this is most all of our tribes right here and the national tribes, you know, we are all here.

Mr. MORAN. Would you introduce the gentlemen with you?

Mr. FRANK. Yes. This is the new chairman of the Nootsack Tribe, Bob Kelly, and this is my executive director of Northwest Indian Fish Commission, Mike Grim, and they are going to respond here in a minute. Their strong support and encouragement gives our organization focus and direction and helps make us successful in protecting and enhancing the treaty rights.

Now, out of the United States versus Washington, we became co-managers with the State of Washington in fishery management and natural resources, and we sit on a 200-mile international treaty Pacific Salmon Management Council from Mexico to Alaska. We sit on the international treaty now and for the last 35, 40 years and we are fishery managers. The tribes are on every one of these watersheds along the Pacific Coast and inside Puget Sound, and the State of Washington, they are on course. They are putting the watersheds back together. We work with the Puget Sound Partnership. We work with the Federal Government and co-management with the State of Washington, and we are managers. Michael.

Mr. GRIM. Thank you, Mr. Chairman. As you will see from our testimony, the Northwest Indian Fisheries Commission, the 20 tribes that make up the Commission make up Puget Sound as well as the coast. If you look to your far left on the page, you will see our coastal tribes as well as our Puget Sound tribes. We have a number of Acts that all of our 20 tribes are in the process of implementing. In many of those cases, we went through the long process of planning for recovery on a number of species and we are not into implementation. The main and most important Act that we face is the Endangered Species Act, and we have a number of listings. We have Puget Sound Chinook, Lake Ozette sockeye and steelhead is not far away.

What we are starting to see as we move forward into implementation with our 20 tribes is that we are running into the harsh reality that there are two different standards that we are addressing here as we look at achieving our goals and objectives in the implementation of these plans that we have. We have plans in every basis for our Chinook species. There is a different stock relative to every river if you look at the map. When we talk about the standards, the tribal standard that we equate with the trust responsibility that the agencies and the Federal Government have in terms of protecting and restoring these treaty rights is somewhere up here. You have got harvestable numbers versus a different standard with the Act, which is something more attune to museum pieces, and we have this large gap that we have identified.



Now, with every piece of funding that we can get our hands on, our member tribes, we are collaborating as much as possible. There are a couple of different ways we could go. We could fight like hell through the courts or we could choose the collaborative route and try to work with our local governments. We have local governments in each one of these basins. We work very closely with the state government and the agencies as well as we try to implement these Acts but the main message as you read through our testimony is that we have two different standards that we are trying to achieve here and we need your help in terms of helping us achieve the standard that means the most for us, which is harvestable numbers and not museum pieces.

Mr. MORAN. Thank you. Very good.

Mr. Kelly.

Mr. KELLY. I see we are pretty short on time so just allow me just a couple of seconds to wrap up. First of all, I just wanted to recognize how important the actions of this Committee were last year to address the needs that we identified in the BIA rights protection. That was huge. One of our priorities this year is to try to maintain those gains that you were able to provide. The President's budget came up short. There was a 10 percent reduction, or 10 percent of those gains were not included in the President's budget request for the western Washington fish management and the Washington State timber, fish and wildlife program and so we want to see those restored. In addition, we also want to note that we continue to have more needs than this Committee was able to address last year but I do not want to diminish the significance of what you did do.

We also, as Mr. Dicks pointed out, we also have an interest in continuing increase in fish hatchery maintenance. You have done a tremendous job getting that up but again we have additional maintenance needs.

Then lastly, EPA, I wanted to make note that we very much support what we see in the President's budget there for the Indian GAP program. This new multimedia tribal implementation grant program is huge to us. That is going to go a long way to addressing our partnership with EPA with tribal environmental programs. And we support increasing the Puget Sound back to the \$50 million mark that this Committee was able to get in last year.

Mr. MORAN. Very good. Mr. Dicks.

Mr. DICKS. You were very good on that, and you also want to see the Legacy Roads and Trails restored to its level too, which will also help us on the habitat.

Mr. MORAN. Mr. Frank.

Mr. FRANK. Mr. Chairman, we have Ed Johnstone from the Quinault tribe. He is our treasurer, so he just has to look good.

[The statement of Billy Frank, Jr., follows:]



## Northwest Indian Fisheries Commission

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**Testimony of**  
**The Honorable Billy Frank, Jr., Chairman, Northwest Indian Fisheries Commission**  
**Before the**  
**House Interior, Environment and Related Agencies Appropriations Subcommittee**  
**On the FY 2011 Budgets for the Bureau of Indian Affairs & Environmental Protection Agency**  
**March 23, 2010**

Mr. Chairman and other honorable members of the Committee, I am Billy Frank, Jr., Chairman of the Northwest Indian Fisheries Commission (NWIFC). It is indeed a privilege for me to be among the distinguished cadre of Northwest Tribal Leaders who are also here to present the funding requests of their people. Their strong support and encouragement gives our organization focus and direction and helps make us successful in protecting and enhancing their treaty rights.

Using the FY-2010 enacted budget as a minimum level of need in FY 2011 to maintain current services, I submit the following requests:

### **Bureau of Indian Affairs**

- Restore the Western Washington Fish Management and Washington State Timber-Fish-Wildlife Project to FY-2010 enacted levels of \$8.532 and \$2.736, respectively
- Increase Western Washington Fish Management by \$8.614 million beyond the FY-2010 enacted level
- Increase Salmon Marking by \$1.4 Million beyond the FY-2010 enacted level
- Increase U.S. Canada Pacific Salmon Treaty Implementation by \$680,000 beyond FY-2010 enacted level
- Increase Fish Hatchery Maintenance by \$2.142 million beyond the FY-2010 enacted level

### **Environmental Protection Agency**

- Support the Tribal General Assistance Program (GAP) at the \$71.4 million request in the President's budget
- Support the Multimedia Tribal Implementation Grants at the \$30 million request in the President's budget
- Support the increase of \$2.9 million in Tribal Capacity Building which is requested in the President's budget
- Restore the Puget Sound Geographic Program to the FY-2010 enacted level of \$50 million

### **Regional Requests**

- **We support the Budget Requests of the Affiliated Tribes of Northwest Indians**

### **National Requests**

- **We support the Budget Requests for the National Congress of American Indians**

On behalf of our 20 member tribes, I am here today to speak to our FY-2011 natural resource management funding requests for the Bureau of Indian Affairs (BIA) and the Environmental Protection Agency (EPA). But before I do that, I must first acknowledge the outstanding support

this Committee has given to us this past year. You listened to our story and have helped us greatly with your actions that supported our needs. We are also pleased that the FY-2011 President's budget continues to be supportive of the northwest natural resources funding requests and includes many of the Committee's actions from last year.

#### **TRIBES, TREATY RIGHTS AND TRUST OBLIGATIONS OF THE FEDERAL GOVERNMENT**

Indian tribes have always inhabited the watersheds of western Washington, with cultures almost entirely based on harvesting fish, wildlife, and other natural resources in the region. In the mid-1850s, a series of treaties were negotiated between the federal government and the tribes in the region. Through the treaties, the tribes gave up most of their land, but in so doing reserved certain rights to fish, hunt and gather to protect their way of life.

The promises of the treaties were quickly broken in the decades that followed as the tribes were systematically denied their treaty-protected rights by the State of Washington. In 1974, the tribes won a major victory in *U.S. vs. Washington (Boldt Decision)*, which reaffirmed their treaty-protected fishing rights. The ruling - which has been upheld by the U.S. Supreme Court - established the tribes as co-managers of the resource and determined they were entitled to 50 percent of the harvestable number of salmon returning to Washington State waters. More recent federal court rulings and solicitor opinions upholding treaty-reserved rights have further expanded the role and responsibilities of the tribes as natural resource managers. Those rulings, combined with the interconnectedness of all natural resources, mean that tribal participation is essential in nearly all aspects of natural resource management in the region.

The tribes from the Pacific Northwest have stepped forward and have embraced co-management. Today, the tribes have developed sophisticated programs designed to protect and enhance their treaty rights. Tribal programs, based on deep cultural and philosophical underpinnings, have served as the backbone of salmon recovery, providing the technical, policy and legal framework for this incredibly difficult task. Tribes perform complicated harvest, hatchery and habitat management tasks that neither the state nor the federal government can effectively carry out. Tribal programs, largely funded by the Bureau of Indian Affairs, serve as a *de facto* arm of the federal government as it labors to uphold its trust obligations to the tribal people. It is because of the role that tribes play in protecting their rights that they require adequate, long-term, and stable funding. This committee has heard this plea and has been a valuable partner in this effort.

#### **REQUESTS JUSTIFICATION NARRATIVE**

##### **BUREAU OF INDIAN AFFAIRS**

- **Restore the Western Washington Fish Management and Washington State Timber-Fish-Wildlife Project to FY-2010 enacted levels**

Congress increased the Rights Protection Implementation subactivity in FY-2010 by \$12 million. This increase was allocated to all line items within this program element, restoring the Pacific Salmon Treaty Implementation, Washington State Timber-Fish -Wildlife Project, and Salmon Marking to previously funded levels. Additional monies were added to the Western Washington Fish Management program bringing this account to \$8.532 million.

However, the President's budget did not carry forward the entire FY-2010 increase. The Western Washington Fish Management and the Timber-Fish-Wildlife Project were reduced by \$434,000 and \$139,000 respectively. Thus, we request that these accounts be increased to maintain the FY-2010 funding level.

- **Increase Western Washington Fish Management to \$8.614 million beyond the FY-2010 enacted level**

Over the past several years, the tribes and the NWIFC have requested an increase of \$12 million in the base Western Washington Fisheries Management program. Last year, Congress heard our plea and increased the national Rights Protection Implementation fund by \$12 million with \$3.386 million of this going to the Western Washington Program. This increase was very much appreciated and will go towards meeting many of our needs. However, we once again ask Congress to address the remaining identified needs at the NWIFC and our member tribes. We request an increase of \$8.614 million which is consistent with our needs assessment presented last year to this Committee.

- **Increase Salmon Marking by \$1.4 Million beyond the FY-2010 enacted level**

The Salmon Marking line item was funded at \$1.0 million by the FY-2010 increase in Rights Protection Implementation. These funds are used to mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations and watersheds in Western Washington, pursuant to the federal requirement to mass mark pacific salmon reared in facilities funded by federal dollars. Plans to implement more extensive selective fisheries targeted at these marked fish require an additional \$1.4 million to implement.

- **Increase U.S. Pacific Salmon Treaty Implementation by \$680,000 beyond the FY-2010 enacted level**

The Pacific Salmon Treaty Act of 1985, Public Law 99-5, charges the United States Section of the Pacific Salmon Commission with the responsibility for implementation of the Pacific Salmon Treaty, a bilateral treaty with Canada. Responsibility for funding Treaty related programs rests with the United States Government. We support the U.S. Section's recommendation to fund the Department of Interior, Bureau of Indian Affairs at \$4.8 million, an increase of \$680,000 from the FY-2010 enacted level.

- **Increase Fish Hatchery Maintenance by \$2.142 Million beyond the FY-2010 enacted level**

Tribal fish hatcheries in western Washington are part of the largest fish hatchery system in the world. Tribal hatcheries produce 50% of the coho salmon and 33% of the Chinook salmon in Puget Sound and the coast of Washington. These hatcheries provide fish that significantly contribute to both non-Indian recreational and commercial harvest, as well as for tribal fisheries. Today, hatcheries also play a large role in recovering pacific salmon, many of whom are listed under the Endangered Species Act.

A comprehensive needs assessment study was conducted in FY-2006 by the BIA at the request of Congress which identified a level of need over \$48 million in necessary hatchery maintenance and rehabilitation costs. Last year the BIA Fish Hatchery Maintenance budget was increased to \$2.852

million. We support this increase and ask that this account be increased a further \$2.142 million to total \$5 million.

#### **ENVIRONMENTAL PROTECTION AGENCY**

- **Tribal General Assistance Program (GAP)**

We support full funding of the EPA Indian General Assistance Program (GAP) at the \$71.4 million amount requested in the President's budget. This funding has built essential tribal capacities and remains critical to the tribes' ability to sustain their important water quality programs. We support the increase of \$8.5 million which is included in the President's budget.

- **Multimedia Tribal Implementation Grants**

We support \$30 million for the Multimedia Tribal Implementation Grant program funding, which is included in the President's budget. This program will allow the EPA to provide targeted multimedia (cross discipline) grants to tribes for implementation of federal environmental programs. This program logically follows the capacity building function under the Tribal GAP, as noted above.

This program is a substantial investment from within the EPA and will continue to build a firm foundation for environmental protection. Tribes in western Washington are ready to partner with EPA to begin this implementation program.

- **Tribal Capacity Building**

Additional funds are needed within the agency to effectively manage the new Multimedia Tribal Implementation Grants Program. An additional \$2.9 million will support new positions to oversee, provide guidance and ensure accountability to the grant program and ongoing Tribal GAP work. This capacity will also provide direct technical assistance to tribes. We support this additional funding included in the President's budget.

- **Puget Sound Geographic Program**

Marine resources are very important to our member tribes. The Puget Sound Geographic Program provides essential funding that will help protect, restore and enhance Puget Sound. We support restoring this program to the \$50 million amount enacted in FY-2010. With this level of funding, collaborative work can continue on key marine issues, salmon recovery, land use management and regulatory changes.

Tribes will seek funding from this EPA account, in coordination with the Puget Sound Partnership. Such funding will allow the tribes to participate in the necessary scientific work, implementation measures, and policy discussions on issues that affect our treaty rights.

#### **CONCLUSION**

Mr. Chairman, and members of the Committee, we know that it is difficult to allocate scarce federal funds. However, we believe that the management work that we perform to protect our valuable resources and to help fulfill the trust obligation of the federal government continues to be worthy of your support. Thank you.

Mr. MORAN. We will do what we can, particularly for the salmon harvest. Thank you all very much.

Mr. DICKS. Thank you, Billy. Good job.

Mr. MORAN. Mr. Cole, we are out of time so——

Mr. COLE. Just one quick question. I am always amazed at the diversity of Indian Country, and I have learned more about fisheries from Mr. Dicks. We do not have a lot of those in Oklahoma for our tribes. That has never been a major source of income or livelihood. I am just curious, could you tell me how many Native Americans are involved in this industry amongst the 20 tribes that are in the Commission? How big an economic impact is this activity?

Mr. JOHNSTONE. The three tribes are the Lummi, the Makah and the Quinault. Just using those as an example, we have probably between 300 and 400 at Quinault and I would say the other tribes also. I would say the Quinault and the Lummi—Henry is here. He has probably got 400 to 500. We have 300 to 400 at Quinault, and I would say at Makah you would easily have 400 to 500.

Mr. COLE. So these are really substantial parts of the local economy?

Mr. JOHNSTONE. Definitely.

Mr. GRIM. It supports not only their economy but also their culture, and the local economy.

Mr. DICKS. And there is a lot of recreational fishing associated with this too. I mean, there is both the commercial side of this and the recreational, and a lot of the work that we do helps both.

Mr. COLE. And I assume that under treaties that you have got rights obviously that nobody else has in terms of the amounts you are able to harvest, the season, what have you.

Mr. FRANK. It is very unique, Mr. Cole. We are the only treaty tribes along the Pacific Coast and throughout all of the Nation, and I mean real comprehensive fishery management programs, shellfish, hunting, all of that, gathering, harvesters and gatherers.

Mr. COLE. I will not take the Committee's time, but I would like to learn more about it sometime. It is very different than the tribes I represent.

Mr. MORAN. Thank you, and Chairman Cagey of the Lummi Nation indicated it had been 700 fishers supporting 3,000 people, now it is down to 500 in just a decade, so there are problems that are consistently felt across the board.

Our next speaker will be Ralph Forquera. He is the executive director of the Seattle Indian Health Board. Mr. Forquera.

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TUESDAY, MARCH 23, 2010.

## SEATTLE INDIAN HEALTH BOARD

### WITNESS

#### RALPH FORQUERA

Mr. FORQUERA. Thank you, Mr. Chairman.

Good morning. My name is Ralph Forquera. I am the executive director of the Seattle Indian Health Board. The Seattle Indian Health Board is an urban Indian health program located in Seattle.

We are celebrating our 40th anniversary this year, so I think we are the oldest and probably one of the larger Indian urban health programs in the country.

I would first like to thank the Committee for the generous contribution that they made last year to the urban Indian health program. An additional \$5 million was added to our budget, which meant that we received almost \$7 million in increase for the urban program, which is the largest single increase in the history of the program, and I just wanted to acknowledge the great work that you guys are able to do, and I know that Mr. Dicks was very involved in that process and we really appreciate it.

I have three items that I would like to speak to regarding the urban Indian health programs. One is sexual violence against women. In a meeting that the President held with the tribes in November of last year, one of the items that was brought up repeatedly is the fact that there seems to be an epidemic of sexual violence against Indian women on reservations. We recently looked at a study called the National Study of Family Growth, which is a CDC-sanctioned study. It is the first time that Indians have ever been looked at in this particular database, and we found remarkable evidence of sexual violence among Indian women living in cities also. So one of the recommendations I would like to ask is that the Committee consider additional funding to look more specifically at this particular issue among the Indian population and hopefully begin to build partnerships in order to be able to address that particular issue.

The second item that I would like to mention is electronic health records for the urban Indian health programs. Last year the Congress appropriated \$85 million to the Indian Health Service for technology and electronic health records through the ARRA fund. The urban Indian health programs were not considered eligible for any of those dollars so we received no financing for electronic health records from that particular fund. This year, even with the increase that was provided for the urban Indian health programs, the Indian Health Service only set aside \$95,000 to support technology, and that was primarily to train people in their RPMS system, their electronic health records system, that many of us do not operate, primarily because of the kinds of operations that we have. We have a need for a much broader array of technologies than the Indian Health Service's system has available to it, so I would like to request that the Committee consider about a \$2 million appropriation for advances in the non-RPMS technology for the urban Indian programs.

And finally, Mr. Moran, you mentioned earlier the importance of looking at especially Indian youth. This is one of the areas that we have been working on. I also direct the Urban Indian Health Institute, which is a small research center that we created back in 2000 to basically begin to look at urban Indian health issues. The Indian Health Service has never really spent a lot of time looking at urban Indians and so my organization decided that we would try to address that particular issue. One of the areas that we have been most concerned about is the area of youth issues. We know that there are a number of youth that are at high risk. We also know that there are a number of urban Indian youth that have for a va-

riety of reasons succeeded very well, but we do not know what are the causative factors of those youth. So we started working with Dr. Robert Blum at the Johns Hopkins University, who has done the last study on Indian youth back in 1988, so it is quite old, and there were no urban Indians that were looked at at the time. But working with Dr. Blum, we started talking about trying to develop a study specifically to look at the urban Indian communities, working through the network of urban Indian programs around the country. We estimate that this will be about a 3-year project. It will take somewhere around \$1 million to \$1.5 million to do based on what our estimates are for that particular project. And we had been looking for resources within the bureaucracy itself, within DHHS and the Indian Health Service and have not really been able to pull anything together, so I thought that this year I would try and make a request of the Committee itself to see if there might be some interest in doing that particular work.

We want to congratulate you on the passage of the health reform bill and we think that that will have a profound effect on the urban Indian programs over time, but we think it is going to take time to get there, and what we are looking for is some bridge opportunities in order to be able to build that capacity. Thank you very much.

[The statement of Ralph Forquera follows:]



**TESTIMONY IN SUPPORT OF URBAN INDIAN HEALTH FUNDING**

Ralph Forquera, M.P.H.

Executive Director

Seattle Indian Health Board

March 23, 2010 – 10:00 a.m.

Mr. Chairman and members of the House Appropriations Subcommittee on Interior, Environment, and Related Issues, my name is Ralph Forquera. I am Executive Director for the Seattle Indian Health Board and Director for our Urban Indian Health Institute.

The Seattle Indian Health Board is celebrating our 40<sup>th</sup> anniversary in 2010 making us one of the oldest if not the oldest urban Indian health organizations in the nation.

I would first like to thank the committee for their support for urban Indian health by allocating an additional \$5 million in the FY-2010 appropriation. This investment was badly needed as the many years of little or limited funding combined with the economic downturn the nation continues to face had placed many of the urban Indian health organizations at a financial crossroad. This investment has given some of us a little breathing room for the time being. But as health care costs continue to rise, and I should note that we are not a contributor to these double digit increases but must bear these as new expenses for our agencies, we still face a rather challenging future.

This year, President Obama has requested \$45,502,000 for urban Indian health, an increase of \$2,363,000 over the FY-2010 allocation or roughly a 5% adjustment. While this increase is welcome, additional needs demand that we seek your further help asking that you allot additional funds to address new and evolving concerns.

**SEXUAL VIOLENCE AGAINST INDIAN WOMEN**

At the November 2009 meeting with tribal leaders from across the nation, President Obama referenced the crisis in sexual violence against American Indian and Alaska Native women. Recently, the Urban Indian Health Institute that I direct looked at the National Study of Family Growth, a Centers for Disease Control and Prevention study that looks at reproductive health issues finding that urban Indian women completing this survey also experience sexual violence in their lives. This disturbing fact illustrates that greater attention is needed from the Indian Health Service as well as other agencies of the Department of Health and Human Services to

support urban Indian health organization so that we can build the capacity to address this growing epidemic. The Indian Health Service has allocated a mere \$2.5 million dollars to initiate programs for sexual violence in 2010. Only \$262,000 is available for urban Indians.

Given the growing recognition of this problem that even President Obama acknowledges as a crisis, we request that the Congress appropriate \$1 million in grant funding to urban Indian health organizations so that we can better assess the magnitude of this problem in our communities and identify local and national partners to begin the process of dealing with sexual violence in the non-reservation/urban portion of Indian Country.

#### ELECTRONIC HEALTH RECORDS AND TECHNOLOGY IMPROVEMENTS

As you know, the Indian Health Service received \$85 million in American Reinvestment and Recovery Act (ARRA) funds for technology last year. None of the technology funds authorized by ARRA for the Indian Health Service were given to urban Indian health organizations. In this past year from the generous increase offered by the Congress for urban Indian health, only \$95,000 has been set aside for technology and its use is restricted to training for the IHS's Resource and Patient Management System (RPMS).

The transition to the electronic health record and other technology advances are an essential strategy in our efforts to increase efficiency, improve quality, and with time, save health care dollars. Through the Urban Indian Health Institute, we have been working closely with the Office of the National Coordinator for Health Information Technology to understand the nature of technology transition, assess our technology capabilities at the various urban Indian health organizations, and help guide these organizations toward making sound choices around technology investments. With limited resources, an investment in technology is more than just hardware and software. We have learned that adopting technology is a wholesale change in the operation of organizations. The transition to technology is a long term commitment that will require on-going staffing, technology maintenance, and periodic upgrades. While Congress is making substantial investments in technology, urban Indian health organizations are not currently benefitting.

Many of us who operate direct care programs and are funded from multiple public and private sources are using a variety of commercial practice management and electronic health record systems, the vast majority of which are not compatible with the RPMS system. The architecture for RPMS is dated and does not easily interact with today's commercial products. While perhaps suitable for some parts of the Indian health system, an assessment of user capability to meet the needs of more complex organizations has not been demonstrated. Therefore, I am asking that the Congress allocate \$2 million to help support non-RPMS technology development for urban Indian health organizations to assure that we can build local capacity to interact with health care networks that we use every day for our specialty referrals, hospital, and related services to assist our clients. At an August 2009 meeting held in Seattle with 21 urban Indian health organizations

in attendance, most were looking to commercial products for their technology investments due to integration demands.

#### URBAN INDIAN YOUTH STUDY

Over the past several years, through our Urban Indian Health Institute, we have been working with the Johns Hopkins School of Public Health seeking resources to conduct a national survey of Indian youth to look at risk and resilience factors that influence health. The last large scale youth survey was done in 1988 and the survey did not include urban Indians. Unfortunately, we have been unable to secure funds to conduct this ambitious examination.

The Urban Indian Health Institute analyzed national data from the Youth Behavioral Risk Survey and now the National Study of Family Growth each providing rather alarming health trends in need of more direct study. Therefore, we strongly believe that a national study of urban Indian youth would be enormously helpful in confirming the findings from these national reports. By verifying the findings, we can better direct programs and resources to address identified problems and build programs to reinforce positive behaviors. Therefore, we are seeking \$1.5 million to conduct this national study. We estimate that the study will take three (3) years with a year of preparation and survey design, a year of data collection, and a year for analysis, synthesis, and reporting. The Urban Indian Health Institute will work with the 34 urban Indian health organizations and attempt to reach between 5,000 and 7,000 Indian youth between the ages of 12 and 21. We will work with John Hopkins University professionals and other community and academic partners across the nation to assure that the study meets the highest scientific standards.

Shortly, the nation will complete the decennial census. If the trend in Indian residency continues as expected, the community of urban Indians is likely to exceed 70% of the total American Indian/Alaska Native population. There are many factors that influence this geographic shift including employment and education opportunities, changes in tribal rules, and the sheer growth in urban Indian families. Here in Seattle, we are now serving 4<sup>th</sup> generation Indians. A large portion of Alaska Natives make Seattle and the surrounding area home. Over 200 federally recognized tribal nations are listed among our service clients as well as scores of Indian people not affiliated with a given tribe.

Again, I would like to thank the Committee for their support in FY-2010. Your continued recognition of our work in FY-2011 and beyond is essential if we are to achieve the goal of health parity for all Americans.

Thank you.

Mr. MORAN. Thank you very much, Mr. Forquera.

Mr. DICKS. We appreciate your being here and your leadership on these issues, and we are glad we were able to keep this program alive a few years ago, and now it is back in the President's budget, which is very positive. Thank you.

Mr. FORQUERA. It was very reassuring for us to get that kind of an increase. I mean, it was just finally somebody kind of patted us on the back for the work that we have been trying to do for a long time.

Mr. MORAN. Mr. Cole.

Mr. COLE. Yes, I have a couple questions. First, I wanted to follow up on this violence to women off the reservation. We normally attribute it on the reservation, a big part of it obviously the absence of law enforcement. One would suspect that would be less the case in urban centers that are outside of reservations. Do you have any particular reason?

Mr. FORQUERA. We do not, and that is one of the reasons why we want to look at this. We think some of it may be—you talked about earlier the gang issue and especially young women being affected by early gang involvement and gang activity in cities. But we really do not know, and that is one of the things that we need to look at. We were quite surprised at the extent of the violence. It was a very small cohort so it was not a large group, so you would not have expected the intensity of the responses that we got on that particular issue, so it must be a major issue and we would like to look more at what are some of those causative factors and see if there are interventions that we can effect.

Mr. COLE. A couple other quick questions. Just educate me, how many—number one, are you comparable to—we have Indian health facilities off reservations or outside areas of historic jurisdiction, Oklahoma City and Tulsa, enormously important to us. Is that basically the scope of your operations? Well, how many patients do you see?

Mr. FORQUERA. It depends. We see about 7,000 or 8,000 Indian people a year in our program. It is quite a comprehensive program because we have a fairly sizable clinic, very similar to, actually probably closer to Tulsa than Oklahoma City because Oklahoma City has a much larger program. Our program is fairly similar to the Tulsa program. We have a couple of unique characteristics. We have a family practice residency program, for example, where we actually train Indian docs on site, and then we have this research institution. We also manage Thunderbird Treatment Center, which is a residential drug and alcohol treatment program, and that is in the process of a transition right now too because it was primarily state funded in Washington State and the state has really had some serious financial problems in the last couple of years, so we are seeing some erosion in that area but it has not quite impacted us as much as it has some of the other communities.

Mr. COLE. I assume again, like Oklahoma City and Tulsa, that any tribal members eligible to use the facility or restricting certain tribes, or what have you?

Mr. FORQUERA. Yes, we actually serve members from about 250 Indian tribes from around the United States, plus we serve non-federally recognized Indians also so state-recognized Indians and

Indians that are no longer affiliated with a tribe. So we have a number of state-recognized tribal people representing our service population as well as a lot of descendants of people that were displaced as a result of the relocation programs, a number of people that cannot link back to their home reservations or their home tribes anymore but yet we can follow their heritage by going back through linear kinds of things. We work with the Mormon Church, we work with the census and a whole variety of different places to try to get information for people.

Mr. COLE. Well, thanks for what you do. This is a huge problem, Mr. Chairman, that we have got a lot of natives a long way away from their tribes, a long way away from their historic areas. They still have frankly the same trust rights and same negotiated privileges as those back on a reservation or in an area of historic jurisdiction, so making these kinds of services available in urban areas is absolutely critical.

Mr. FORQUERA. Thank you very much.

Mr. COLE. Thanks for the work you do.

Mr. MORAN. Thank you. Would it not be fair to say that nearly all of your clientele would have incomes below \$44,000 for a single person, \$88,000 for a family of four?

Mr. FORQUERA. About 86 percent of our clients are below 100 percent of poverty, so whatever the standard is for 100 percent of poverty. So it is a very, very large—

Mr. MORAN. So they would qualify for 100 percent subsidy?

Mr. FORQUERA. The majority of them would, yes.

Mr. MORAN. And would not be paying anything for the health care that will now be made available to them from the health care bill that was signed Sunday.

Mr. FORQUERA. That is correct.

Mr. MORAN. They can go to an insurance company, they can get their insurance policy. The Federal Government will pay 100 percent for 86 percent of them. I suspect it will provide a subsidy for 100 percent because the subsidy extends up to 400 percent of poverty.

Mr. FORQUERA. That should cover a significant number of our population.

Mr. MORAN. Virtually all the clientele that you serve, so it will have a dramatic impact on the quality and accessibility of health care.

Mr. FORQUERA. Absolutely, and I think over the course of the next 4 or 5 years as all this gets rolled out, we will be able to really see the impact of that as well as better define the structures and the systems that we need to have in place that we are going to be able to care for them.

Mr. MORAN. Well, there will be financial incentive for insurance companies to do that since the government will be paying them directly. Thank you very much, Mr. Forquera.

Mr. FORQUERA. Thank you.

Mr. MORAN. Joseph Pavel, the vice chair of the Skokomish Indian Tribe. Thank you for coming.

TUESDAY, MARCH 23, 2010.

**SKOKOMISH INDIAN TRIBE****WITNESS****JOSEPH PAVEL**

Mr. PAVEL. Joseph Pavel, Skokomish Tribe. Thank you for this opportunity. Chairman Moran, Congressman Dicks, good to see you again, members of the committee. I am Joseph Pavel and I am here on behalf of the Skokomish people, on behalf of our community and the great needs that we have. Our community is certainly at high risk, at great risk. Public safety is a big issue for us. We are a small rural community, Hood Canal in western Washington, not immune from any of the other problems that you have heard spoken of this morning.

Just this last holiday season, we had two young men die of drug abuse situations. This is something that our community is not willing to tolerate anymore. They have directed us to counsel the staff to take action, to take steps to remedy this situation. This is something that the community has been very sincere about for many, many years. When I was first on the tribal council in the early 1980s, we had no capacity to address these issues. We started out with basically hiring a tough guy half time, gave him a shirt, walking up and down the reservation half time. I think we were able to fund him out of a domestic violence community outreach grant. And we have been struggling to build our law enforcement, our judicial system by cobbling together whatever we could. We do not receive any BIA enforcement dollars. You know, we are a small tribe, formally a 280, which is a jurisdictional situation. We have since been endorsed by the state and county or rescind jurisdiction back to the tribe. The Department of Interior has not recognized that as yet because we do not have the capacity to maintain law enforcement and they refuse to provide that capacity to the tribe.

So the Bureau of Indian Affairs within that culture, that society is pervasive. I believe this was one of the original roles, policing tribal people, tribal reservations. It is an area of jurisdiction that they continue to hold tight-fisted to their own selves. They need to be directed to allow for tribal programs to develop, to be enhanced, to provide the capacity for tribes to enforce their own laws and codes in our own communities. We have been very successful at putting together with whatever resources we could find our public safety program. We have a very, I believe, appropriate set of codes and ordinances. Certainly they need to be enhanced, continued to work on. We are a member of an intertribal court system that struggles to be funded. The Bureau of Indian Affairs does not support them. They get nominal funding. They have received no increases from any of the recent upgrades in the Bureau law enforcement judicial appropriations. The Bureau needs to be directed to be forthcoming with those dollars.

Our people are in a crisis. We are in the process of developing a multi-pronged approach to deal with these issues. Certainly prevention is huge on the list. I think a community that feels safe and secure that they can be comfortable in their own homes, not the victim of crime, not have to be fearful. Every one of our folks is a

victim, not only those that are a direct victim of a crime or in this situation of drug use and abuse or dealing it but every single one of our members, every one of our families is immediately affected just tremendously right to the core of our families, our community and our culture, and this is something that we have been directed to address and we are very sincere and we will work diligently towards that effort. We ask for the Committee's support in that. We ask that the Bureau be forthcoming with providing that support capacity for tribes, Skokomish Tribe as well, particularly who I am here to speak for but I am sure we are not unique in that situation across the country, that we need to get over this area of distrust, of turf. Tribal courts, tribal law enforcement are often not very well trusted. I think in our area, we have been able to address those issues. We have support for the law enforcement community in our area and we have a high standard.

[The statement of Joseph Pavel follows:]

**TESTIMONY OF JOSEPH PAVEL, VICE CHAIRMAN  
OF THE SKOKOMISH TRIBE OF WASHINGTON STATE  
BEFORE THE HOUSE APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES  
MARCH 23, 2010**

My name is Joseph Pavel, I am Vice-Chairman of the Skokomish Tribe of Washington State. I would like to thank the Subcommittee for the opportunity to testify and would like to welcome Chairman Moran to Indian Country. I know that Congressman Dicks would very much welcome a visit to my Reservation and the 6<sup>th</sup> District of Washington State.

The Skokomish Indian Reservation is a rural community located at the base of the Olympic Peninsula with a population of over 1000 people. The 5300 acre Reservation is a fraction of the 2.2 million acre of the Tribe's Treaty area. The Skokomish Tribe appreciates the work of the Subcommittee and asks that you provide increased funding in areas that are key to the continuing development of tribal communities.

**I. BUREAU OF INDIAN AFFAIRS PROGRAMS**

**A. Law Enforcement.** The Skokomish Tribe respectfully requests increased funding for our law enforcement programs within the Bureau of Indian Affairs.

Since 1997, the Skokomish Department of Public Safety has grown from one (1) untrained officer, to six Washington State certified/Washington State equivalency trained or BIA certified law enforcement officers (this includes our two conservation law enforcement officers). Our officers provide day-to-day law enforcement services on the Reservation. They are also responsible for patrolling the 2.2 million acres that make up our treaty protected fishing and hunting areas. To be fully staffed at a baseline minimum for the area and scope of service that the Skokomish Department of Public Safety is tasked with, we need a total of eighteen (18) officers. Thus, we are almost 80% below what is needed to safely serve our community.

In a recent report, the Skokomish Reservation was reported as having a violent crime rate that is five times higher than the national average. Between 2006-2010, there were 501 "Part One" offenses—manslaughter, rape, domestic violence, child abuse, assault with a weapon, burglary, and arson. For the same period, there were an additional 2210 offenses for lesser crimes, like assault with no weapon, drug selling or manufacture, and vandalism. This means that at least fifty percent of the people who live on the Skokomish Reservation are likely to have been a victim of a crime and in many instances the victim of a violent crime. As result of this, the Skokomish Tribal Council has made addressing public safety needs a priority and have directed staff to find the resources and programs necessary to respond to this overwhelming law enforcement need.



In light of this significant tribal need, we are deeply concerned that the BIA has not sought an increase in funding for tribal law enforcement personnel funding. Instead, the BIA has requested \$19 million to fund 45 FBI agents in Indian country. We recognize that there is a deficit of FBI Agents serving Indian country, but we doubt that using the BIA's limited resources to fund what is a Department of Justice function is a wise use of these resources. Crime in Indian country is going to be addressed by having trained law enforcement personnel living and working in our communities. It will not be addressed by staffing FBI agents in Seattle, Minneapolis, or Denver.

Moreover, we remain deeply concerned that the BIA continues to ignore the needs of tribally operated law enforcement agencies and has directed the increases of the last two years to its BIA operated law enforcement agencies. Specifically, in the thirteen years that the Tribe has operated its law enforcement program, we have not received a BIA programmatic increase in our law enforcement funding. While we do not doubt that the BIA has serious needs, so do the Tribal Law Enforcement Departments, which make up 78% of the law enforcement agencies in Indian country. We urge that any increase in law enforcement funding be allocated proportionately among the BIA and Tribally operated law enforcement agencies.

**B. Tribal Courts.** Increased law enforcement creates a commensurate need for increased funding for tribal courts. Having a fair and qualified judiciary is the bedrock of any government's justice system. Skokomish has long understood this. In 1963, the Skokomish Tribe was the first Tribe in the Northwest (and one of the first in the country) to institute a tribal court to address fishing violations on the Skokomish River. The first Tribal Judge was my mother, a 33 year old nurse and mother of five (at that time), Anne Pavel. My mother was not law trained nor had she received any judicial training. She was, however, a dedicated tribal member, who understood the importance of regulating fishing on the Skokomish River. She held her first hearing in a building heated by a coal stove, with her brother as her court reporter.

While the responsibility and scope of tribal courts have greatly increased in the nearly fifty years since my mother's first hearing, the Bureau of Indian Affairs has not provided these important institutions with the commensurate level of funding. Today, Tribal Courts handle huge criminal, civil and juvenile dockets, which could not be handled by the already over burdened state and federal courts. At Skokomish alone we have 458 open criminal cases. Unfortunately, even though we participate in the Northwest Intertribal Court System—an inter-tribal organization that my mother started, which allows tribes to work cooperatively and a cost effective manner address our justice systems needs—we can still only afford for our Tribal judge and our prosecutor to work three days a month. Most of our courts cannot afford to provide public defenders and many do not have law trained prosecutors. Fortunately, through the dedicated work our Tribal leaders most of our judges are now law trained.

While the Department did not propose any cuts in Tribal Courts, it did not propose any increases. Moreover, for the Tribes in the Northwest Region, last year's \$10 million increase in Tribal Court funding did not translate into any increased funding for

our Tribal Courts systems. We urge the Subcommittee to direct the Department to allocate Tribal Court funding in a way that is fair and ensures that all Tribal Court Systems receive an appropriate share of the funding.

## **II. ENVIRONMENTAL PROTECTION AGENCY**

The Skokomish Tribe would like to thank the Committee for your commitment to maintaining funding for key environmental programs. In particular, the Committee's funding in FY 2010 of \$50 million for Puget Sound Restoration efforts, we urge the Committee to reject the EPA's proposed \$30 million cut to this program for FY 2011. This funding is critical to the collaborative efforts to restore the health of the Puget Sound, and in particular the Hood Canal—the Jewel of the Puget Sound—and to the Tribe's efforts to manage and protect our treaty protected resources in the Hood Canal.

The Hood Canal is threatened by the Low Dissolved Oxygen levels (LDOL), which means this vital ecosystem is essentially suffocating. LDOL is caused by many things, but the primary cause is the sewage that is discharged directly into the Hood Canal. LDOL has caused a number of fish kills in the Hood Canal and the Hood Canal to be closed to other seafood harvesting throughout the year. Last summer, the Tribe had to close our shellfish harvest on one of our beaches, because of fecal contamination. Through the Tribe's work it was learned that this contamination was primarily the result of the conduct of sports fishermen, who elected to use our sacred resources as their lavatories.

The impact of this closure on the economy of the Skokomish Tribe and our members was severe. More than 90% of the families on the Skokomish Reservation are supported by Treaty harvesters, men and women who exercise their treaty rights to gather resources to provide for their families. When our beaches are closed, it means that 90% of the families on the Reservation do not get a paycheck until they are open.

Beyond the impacts on the Tribe's and the region's economy, the health of these water resources is at the very heart of the Skokomish Tribe's culture. The Hood Canal is the place where we have for centuries gathered and prayed. In recent times this has not always been possible due to necessary closures. This is unconscionable and the dedicated effort to address this issue must continue.

## **III. INDIAN HEALTH SERVICE**

The Skokomish Tribe strongly supports the \$354 million increase requested for the Indian Health Service. In particular, the Tribe appreciates the \$84 million increase for Contract Health Care. However, at Skokomish, like Indian people throughout the Nation, we face disproportionately higher rates of diabetes and the complications associated with diabetes. Heart disease, cancer, obesity, chemical dependency and mental health problems are also prevalent among our people. While we have a tribally operated ambulatory clinic staffed with dedicated professionals, we do not have access to an Indian Health Service hospital. Consequently, anyone needing in-patient treatment, physical therapy, or diagnostic services must be referred out. This

means that our Contract Health program is always taxed and frequently we do not have the resources to refer people out. The reported shortfall for Contract Health care is \$1 billion. Thus, while we appreciate the \$84 million increase it is woefully inadequate.

We commend the Indian Health Service for the requested \$9 million increase for dental health care. Studies have shown that poor dental care and chronic tooth decay is related to heart disease, and other serious chronic health conditions. The Indian Health Service reports that only 25% of Alaska Native and Indian people have access to dental care, the lack of access results in preventable tooth extractions, poor juvenile care, and in some instances death.

We also commend the Indian Health Service for its focus on alcohol and substance abuse. However, the targeted \$4 million increase is not enough. I suspect every Reservation in the Country has substance abuse treatment needs that are not being addressed. In particular, we are experiencing an increasing dependency on "prescription drugs." Our data shows that prescription drug use has nearly doubled in the last two years; and at the same time our data is showing that methamphetamine use, which was on a decline, is now back on the rise. It is important to note that this data is from individuals who have contact with the Tribe. It does not reflect the many people who are using but with whom the Tribe has no contact.

While the statistics demonstrate the problem in very stark terms, we are experiencing the problem of substance abuse in heart breaking losses. In the last two weeks in December, we buried two young men who lost their lives due to addiction. These young men were sons, brothers, nephews and cousins, but as a Tribal leader these losses represent the potential loss of my Tribe's future. We will not survive as a people if our young men and women continue to leave this earth sooner than they should. I implore the Subcommittee to provide at least a \$19 million increase for alcohol and substance abuse programs nation wide.

#### **IV. TRIBAL HISTORIC PRESERVATION PROGRAMS**

In 1995, Congress began encouraging tribes to assume historic preservation responsibilities as part of self-determination. These programs conserve fragile places, objects and traditions crucial to tribal culture, history and sovereignty. As was envisioned by Congress, more tribes qualify for funding every year. Paradoxically, the more successful the program becomes, the less each tribe receives to maintain professional services, ultimately crippling the programs. In FY 2001, there were 27 THPOs with an average award of \$154,000. In FY 2011 it is estimated that there will be 95 tribes operating the program, receiving less \$50,000. We join the National Congress of American Indians in seeking a \$4 million increase in funding for this program.

**Conclusion.** I want to thank the Subcommittee for the opportunity to present testimony on these important issues.

Mr. MORAN. Thank you very much, Vice Chair Pavel. I do see that crime rate is five times the national average and half of the members of the tribe have been victims of crime, many of them violent crime. It is a very difficult situation and I am glad you brought it to our attention.

Mr. Dicks.

Mr. DICKS. Has the BIA been out on the reservation?

Mr. PAVEL. No.

Mr. DICKS. Have you invited them to come out there?

Mr. PAVEL. No, we have not.

Mr. DICKS. Do you think that might be a useful idea to have them come out?

Mr. PAVEL. Certainly.

Mr. DICKS. We could ask somebody to come out. I would be glad to be there myself to have a discussion. I think we need to take some extraordinary steps here, so I would appreciate it if you would get in contact with me so that we can figure out what to do about this.

Mr. MORAN. It sounds like they need to assign more BIA officers.

Mr. Cole.

Mr. COLE. No questions.

Mr. MORAN. Mr. Simpson.

Mr. SIMPSON. No questions.

Mr. MORAN. Thank you very much, Mr. Pavel.

Our next speaker will be Ray Peters. He is the tribal administrator of the Squaxin Island Tribe. Mr. Peters.

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TUESDAY, MARCH 23, 2010.

## **SQUAXIN ISLAND TRIBE**

### **WITNESSES**

**PETE KRUGER**

**RAY PETERS**

Mr. KRUGER. Good morning, distinguished members of the Committee. I am Pete Kruger, secretary of the Squaxin Island Tribe. Congratulations, Chairman Moran, on your recent appointment. On behalf of Squaxin, I offer the support of our people to assist you and your staff in anything that we can.

Mr. MORAN. Thank you. What is the story with Mr. Peters?

Mr. DICKS. He is right here.

Mr. MORAN. Oh, there we go. Okay. Good. So you are accompanied by Mr. Peters?

Mr. KRUGER. Yes.

Mr. MORAN. Very good.

Mr. KRUGER. Thank you for inviting the Squaxin Island Tribe to provide testimony on our 2011 funding request. I would like to introduce Mr. Ray Peters, executive director, also a tribal member, who will present our request to you today. Thank you very much.

Mr. MORAN. Very good. Thank you, Mr. Kruger.

Mr. PETERS. It is my honor on behalf of the Squaxin tribal leadership and the tribal members to give this testimony to you. I want to go on record by saying that the regional requested recommenda-

tions of the Northwest Portland Area Indian Health Board, Affiliated Tribes of Northwest Indians and Northwest Indian Fish Commission that the Squaxin Island people fully support their request.

The first request that I would like to talk about is a request to the Northwest Indian Treatment center. It is a regional facility. It is very effective. It is an accredited facility through CARF. It is recognized. It is certified by the State of Washington Department of Health. We have been a treatment facility since 1993, and have served an average of 180 Native Americans per year. With the diminishing resources at the state level and increasing access problems we will face, this will decrease our funding for beds. This increase in the base funding will be the first increase since the original 1993 Congressional set-aside. The co-occurring treatment addresses the historic trauma, specifically post-traumatic stress disorder, by increasing a grief process that takes into account a historical context. Patients see their addictions and problems in their community in a historical context, which in itself can be healing and inspires the recovery to be active participants in the healing back home. I have seen as a tribal administrator firsthand a tribal member who has been affected by these addictions, see people come out of the Northwest Indian Treatment Residential Program and be active participants in our community healing and go on to get educations, be an inspiration to their children, be inspirations and become leaders of the tribe. It is paramount that our base funding is increased. Due to the funding that we seek and have leverage from the State of Washington, it is important that we get some increase in that area.

As well as you have heard from other tribes, public safety is a big concern for the Squaxin people. Our reservation is also on the mainland and our island in the waterways, our tree rights, shellfish, we are the people of the water, and then our hunting lands are nearly 3 hours away. That poses some challenges. The lack of enforcement in officers, we have become a target of those peddlers of poison and methamphetamine that also affect our community.

We are one of the first tribes to start a tribal historic preservation office and we appreciate the funding that we received from the Federal Government, but as other tribes have gotten their offices up and going, that funding has decreased and so while it is good that other tribes are starting their office, we will receive nearly 150 requests per year for land projects within our lands that require our oversight and research, and the funding does not even cover a part-time archaeologist or an assistant to be able to handle the administrative paperwork for that. We do appreciate the increase that has been shown, but due to the number of offices that are being started up, it actually has become a decrease in our overall annual funding.

As well, we request that the final payment to the Puget Sound regional shellfish settlement be fulfilled, and we are responsible for co-managing that resource and want to enhance those areas.

[The statement of Pete Kruger follows:]



# **SQUAXIN ISLAND TRIBE**

Written Testimony to the  
House Interior, Environment and Related Agencies Appropriations Subcommittee  
On the Fiscal Year FY 2011 Budgets for the  
Bureau of Indian Affairs and the Indian Health Service

Submitted by  
The Honorable Pete Kruger, Tribal Councilman, Squaxin Island Tribe  
March 23, 2010

On behalf of the Tribal Leadership and members of the Squaxin Island Tribe, I am submitting our funding requests and recommendations for the FY 2010 Budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). The Squaxin Island Tribe requests that if a mandatory rescission is applied to all federal programs, we ask that Indian programs not be required to absorb a disproportionate loss of funds with a double rescission on these funds.

## Tribal Specific Requests:

1. \$750,000 for Northwest Indian Treatment Center Residential Program in IHS
2. \$850,000 for Public Health and Safety of the Squaxin Island Community in the BIA
3. Increase Tribal Historic Preservation Program Funding
4. \$100,000 Squaxin Shellfish Expansion and \$750,000 for Shellfish Enhancement Program
5. \$5 million to Fulfill the Final Payment Puget Sound Regional Shellfish Settlement

## Regional Requests and Recommendations

1. Northwest Portland Area Indian Health Board
2. Affiliated Tribes of Northwest Indians
3. Northwest Indian Fisheries Commission

## Self-Governance and National Requests and Recommendations:

### Bureau of Indian Affairs

1. Provide \$82.9 million General Increase to BIA Tribal Priority Allocation for inflationary and fixed costs;
2. Provide \$64 million increase for BIA Contract Support Cost (CSC), including Direct CSC;
3. Provide \$5 million increase in the Indian Self-Determination (ISD) Fund,
4. Increase Office of Self-Governance Budget to fully staff to meet the needs of the increase in Tribes entering Self-Governance; and,
5. Provide 100% of Fixed Costs (uncontrollable), including Tribal Pay Costs.

### Indian Health Service

6. Provide \$474 million for IHS mandatory, inflation and population growth increase to maintain existing health care services;
7. \$330 million increase for Contract Health Services (CHS);
8. \$122 million increase for IHS to fully fund Contract Support Cost (CSC), including Direct CSC; and,
9. Increase \$5 million to the Indian Health Service (IHS) Office of Tribal Self-Governance

We support the requests of the National Indian Health Board and the National Congress of American Indians.

**Squaxin Island Tribe Background**

The Squaxin Island Tribe, a signatory of the 1854 Medicine Creek Treaty, is located in Kamilche, Washington in SE Mason County. The 2009 year-end Tribal member enrollment was of 1015. Squaxin has an estimated service area population of 2,767, a growth rate of about 10%, and an unemployment rate of about 30%, according to the BIA Labor Force Report. According to the Mason County Economic Development Council, Squaxin is the largest employer in Mason County.

**TRIBAL SPECIFIC REQUESTS JUSTIFICATIONS:**

**1. \$750,000 – "D3WXbi Pali" meaning "Returning from the Dark, Deep Waters to the Light"**  
**Northwest Indian Treatment Center has not received an adequate increase in its base Indian Health Service budget since the original Congressional set-aside in 1993.** An increase of \$750,000 would restore lost purchasing power and the need to add mental health and psychiatric components to treatment. This increase would allow NWITC to continue its effective treatment of Native Americans.

The Squaxin Island Tribe operates the Northwest Indian Treatment Center (NWITC) located in Elma, Washington (6th congressional district). NWITC is a residential chemical dependency treatment facility nationally recognized as a "Center of Excellence" and was developed to serve unmet needs of rural populations that were not being provided by other urban residential treatment centers in the Northwest. The facility is clinically designed to serve American Indians who have chronic relapse patterns related to unresolved grief and trauma 75% of whom have co-occurring mental health and substance abuse disorders. Addiction treatment is supplemented with mental health assessments and treatment, mental health groups, post-treatment planning, medication management, resource coordination and cultural and spiritual activities to help patients re-anchor in their traditions and reclaim their identity.

NWITC is accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), an international accrediting organization for behavioral health programs. It is also certified and licensed by the Washington State Department of Health. The NWITC residential program serves the tribes of Washington, Oregon and Idaho and sometimes tribes from the Southwest.

The residential portion of the facility houses 24 patients in a circa 1900 single family residence which was converted in the 1930s into a retirement home. In 2006, a new Counseling and Cultural Center building was constructed using both HUD Indian Community Development Block Grant and Tribal funds that replaced two rented modular buildings that were in extremely poor condition. In 2009, we received \$140,418 in American Recovery and Reinvestment Act (ARRA) funding from the Indian Health Service for maintenance and improvement to address urgently needed deficiencies. The project included design, construction and installation for the Center's life safety, general safety, ADA compliance, mechanical, roof, structural and architectural needs.

Treatment has changed over the years in response to meth addiction and its effects on the brain and the individual's capacity to recover. Now NWITC provides evaluations for psychotropic medication, mental health counseling and treatment oriented to unresolved trauma in addition to other traditional forms of treatment. There has also been an expansion of cultural components of treatment. These elements have been required to maintain effectiveness but they also increase the cost of treatment.

**2. \$850,000 for the Squaxin Island Department of Public Health and Safety** to hire six (6) additional FTE officers for 24-hour coverage in order to ensure the safety of the community and a Public Defender: Public Safety is a high priority for the Squaxin Island Tribe. The Squaxin Island Tribal Public Safety and Justice Department is dedicated to protecting lives, maintaining peace and ensuring that the property and resources of the Squaxin Island Tribe are protected through the enforcement of the laws and regulations set forth by the Squaxin Island Tribal Council. Law enforcement officers patrol the reservation, South Puget waterways and usual and accustomed hunting areas, protecting human life and natural resources upon which Tribal members rely on for cultural and economic sustenance.

The Squaxin Island Public Safety and Justice Department has continued to operate on funding levels insufficient to meet the needs of this Department and our community. This has resulted in operating a program at minimum capacity, which has placed a negative impact on the service level provided to the Squaxin Island Community. The process of protecting the public is hampered by the lack of officers to provide the 24-hour coverage, which is very critical in life and death situations.

The Public Safety Department successfully manages the Squaxin Island Tribal Court, which consists of three divisions: a tribal court, an appeals court and an employment court. The Department also manages a shellfish and geoduck harvesting monitoring program. Officers are trained in scuba diving and assist with compliance and safety issues.

A Public Defender is needed for the justice program. Currently the Tribe is under contract to provide legal representation to the community members. The court caseload and number of police calls continue to grow at an increasing rate. Current funding is inadequate to meet the needs of the growing community, protect natural resources and to fully participate in regional and homeland security programs and initiatives.

The Tribe is enhancing the shellfish habitat and production programs, which has increased the demand on the water enforcement program to address issues of illegal harvesting. With current funding and staffing levels, it will be almost impossible to adequately protect the Tribe's investment in enhancing natural resources. The Squaxin Island Tribe is seeking both long-term and immediate assistance.

**4. Increase Tribal Historic Preservation Program Funding - \$12 Million for Tribal Historic Preservation Officers (THPO)**

In 1992 Congress adopted amendments to the National Historic Preservation Act (P.L. 102-575) that allow federally recognized Indian tribes to take on more formal responsibility for the preservation of significant historic properties on tribal lands. Specifically, Section 101(d)(2) allows tribes to assume any or all of the functions of a State Historic Preservation Officer (SHPO) with respect to tribal land. In 2002 funding was decreased by approximately 50% because of insufficient monies in the Historic Preservation Fund (HPF) to support current and additional THPOs at the earlier funded levels. In 2010 there are 100 THPOs and the HPF funding is not keeping pace with the expansion.

In 2009, we received approximately 150 requests from agencies preparing to do land projects that required our THPO to perform research of the land with only a 30 day window. Funding does not support a full-time archeologist, as required by the statute or assistants to perform the paperwork. Tribal resources supplement this office because it is critical to the Squaxin Island people to protect our sites and our lands.



The President's proposed level of \$8 million in FY 2011 will continue to increase the shortfall that THPOs are experiencing, yet the program continues to expand. There were 21 new programs in FY 2009 which keeps the average level of support per THPO suppressed and underfunded. We support the request of the NTHPO for \$12 million in FY 2011. We further recommend that future program expansion be funded with increased appropriations for the program in order not to impact the funding of existing THPO programs.

##### 5. **\$850,000 Squaxin Shellfish Expansion and Enhancement Program**

The Squaxin Island Tribe fully supports the funding of the Shellfish Grower's Settlement Agreement Account. These funds will help assure that, over the long run, the Tribes maintain their access to shellfish resources consistent with the rights they reserved by treaty.

In order to implement the shellfish decisions in the US v Washington litigation, the Tribe offers the following perspectives and funding requests for the highest priority activities needing funding now. The Tribe is committed to working cooperatively with non-commercial tideland owners in order to access the Tribal share of naturally occurring shellfish on their lands. These are shellfish beds that are not included in the provisions for the settlement lands. Our program would identify and locate tidelands, contact their owners, survey shellfish populations consistent with the federal court defined process, and manage harvests of the treaty share by Tribal members. The costs to improve our coverage of this activity will be about \$100,000, primarily for personnel.

Consistent with the implementation of the Shellfish Grower's Settlement Agreement fund, the Tribe needs to improve our infrastructure for enhancement of shellfish on tidelands acquired with the settlement funds. As we purchase available tideland properties with the Shellfish Grower's Settlement Agreement funds, these beaches will need to be restored and enhanced into full productivity to provide clams and oysters for Tribal harvest. Funding would include beach substrate restoration, seeding beaches with juvenile shellfish, maintaining predator protection gear, surveying shellfish age class and population structure, and coordinating harvest. Funding of \$250,000 annually would provide for personnel, purchased clam seed, predator protection gear and equipment to improve 7 acres of tidelands per year.

The Squaxin Island Tribe also foresees the necessity of initiating enhancement of geoduck, a large shellfish bivalve found in the waters of the northwest. This species is long-lived, over 50 years in some cases, and regularly grows to between 1 and 2 pounds per individual. Due to the long recovery time for harvested beds of this species, enhancement techniques have been developed to replant geoducks in substrate where they will grow to maturity sooner than through natural recovery. We propose to enhance five acres annually at an expense of \$500,000, which covers personnel, geoduck seed (immature geoduck), predator protection devices and other equipment. We believe this expenditure is necessary to supplement the existing harvest of naturally occurring geoduck and reduce pressure on natural stocks.

On behalf of the Squaxin Island Tribal Council and Tribal members thank you for this opportunity.

Mr. MORAN. Thank you, Mr. Peters, and thank you, Council Member Kruger.

Mr. Dicks.

Mr. DICKS. Good to see you guys. We will certainly work with you on these issues.

Mr. COLE. I have just a quick question if I may, again just educational for me. I noticed just looking at your testimony you are the largest employer in your local area. Can you tell me what your economic base is, what your activity is, how you generate your own income?

Mr. PETERS. Yes. We have Sala Seafoods Company, where we grow oysters, sell shellfish, which we buy from our tribal harvesters, as well as salmon, and then we sell that, so we have Sala Seafoods, and we have Little Creek Casino and Resort. We also run two trading posts, convenience stores, and then also run Skookum Creek Tobacco Company.

Mr. COLE. And roughly how many employees and what is the breakdown between tribal and non-tribal?

Mr. PETERS. In the government, we have about 150 full-time employees. In the enterprise, Island Enterprise Inc., we have just about 90, and then at the casino resort, which we have 200 rooms, as well we have just under 1,000.

Mr. COLE. And again, how many native, how many non-native?

Mr. PETERS. We have about 30 percent of our tribal population is employed and so the other 70 percent is residents of Mason County.

Mr. COLE. So a pretty significant contributor obviously to non-natives?

Mr. PETERS. Yes.

Mr. COLE. So they are lucky to have you there.

Mr. PETERS. Yes. Mason County is a very depressed county.

Mr. COLE. Thank you.

Mr. MORAN. Thanks, Mr. Cole. Mr. Simpson. Okay. Thanks very much, both of you.

We will next hear from Michael Finley, the chair of the Confederate Tribes of the Colville Reservation. Mr. Finley. Thank you all very much for coming. Thanks for making the long trip. We appreciate your testimony.

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TUESDAY, MARCH 23, 2010.

## **CONFEDERATED TRIBES OF COLVILLE RESERVATION**

### **WITNESS**

#### **MICHAEL FINLEY**

Mr. FINLEY. Chairman Moran, Ranking Member Simpson, it is an honor to be here today. My name is Michael Finley. I am the chairman of the Confederate Tribes of the Colville Reservation in northeast Washington State. You have my written testimony, and I wanted to highlight a few of those areas here today.

The challenges that Indian tribes face today in constructing IHS facilities in Indian Country is difficult because of the existing programs administered through IHS presently. These issues are of

great importance to us and my tribe, and IHS facility dollars have not been traditionally made available to tribes. Our tribe is a large tribe in a rural area, as I stated, in northeast Washington State. We are 1.4 million acres. We have a large high-service population of around 5,000. We have been operating out of dilapidated buildings for quite a few years until about 5 years ago we had new facilities constructed at three different locations on our reservation. We had tried using the existing programs to fund the construction of the Nespelam facility and we were on the priority list for several years but for whatever reason we were never pushed to the top of that list, and so we were forced to deal with the situation by paying for a majority of the construction with our own tribal dollars. And so presently we have the largest community within the boundaries of our reservation being Omak, Washington, where we are trying to look at ways, funding options, funding sources to build a facility in Omak. The problem with building our own facility is it does not always come with adequate funds or staff to equip the facility, so now we are faced with new buildings but we do not have adequate staff or equipment to put in the buildings.

So the Omak area that I mentioned just a minute ago, we are looking at the joint venture program to try to get a new building constructed but unfortunately with the downturn in the timber market, we have taken huge cuts on our tribal revenues. Historically we have been a timber resources tribe and we were forced to close two mills in the Omak district that employed just under 500 people, and that is not counting the contractors who brought the product to the mill, and so the actual impacts are far more reaching than just the jobs at the mill themselves.

So our recommendation is to include \$40 million to the Small Ambulatory Program for fiscal year 2011. We would also like IHS to provide 50 percent of the staffing costs for facilities in awarding grants as well as IHS to award up to \$5 million for the construction portion of grants in instances where a facility will serve an unusually high user population, that being Omak since it is the largest community of our tribal members within our boundaries and where unique circumstances exist as well.

I appreciate the opportunity to be here today before you and I stand for any questions you may have.

[The statement of Michael Finley follows:]



## The Confederated Tribes of the Colville Reservation



Prepared Statement of the Honorable Michael O. Finley, Chairman  
Confederated Tribes of the Colville Reservation

House Committee on Appropriations,  
Subcommittee on Interior, Environment and Related Agencies

Public Witness Hearing—Native Americans

March 23, 2010

Good morning Chairman Moran, Ranking Member Simpson, and members of the Subcommittee. On behalf of the Confederated Tribes of the Colville Reservation ("Colville Tribes" or the "Tribe"), I thank you for this opportunity to provide testimony to the Subcommittee. I am here today to discuss the challenges that the Colville Tribes and other Indian tribes face in getting needed health care facilities constructed under the existing programs administered through the Indian Health Service (IHS). These issues are of great importance to my Tribe and to other Indian tribes in other IHS areas where IHS facility construction dollars have not traditionally been available.

**The Colville Tribes recommends that the Committee (1) include \$40 million for the Small Ambulatory Program for FY 2011; (2) direct IHS to provide up to 50 percent of the staffing costs for the facility in awarding the grants; and (3) provide that in evaluating applications, IHS may award up to \$5 million for the construction portion of grants in instances where a facility will serve an unusually high user population or where other unique circumstances exist.**

As you know, there are currently three paths to constructing a new health facility under the IHS system. The first is the priority list system, which has been in effect since the early 1990s and provides funding for construction of the facilities included on the list as well as 80 percent of the annual staffing costs. The second is the joint venture (JV) program, which generally requires an Indian tribe to pay the entire up-front cost of construction of a facility in exchange for IHS providing a portion of the annual staffing costs. The third is the SAP program, which is just the opposite of the joint venture program – the IHS pays for the construction costs for the facility and the tribe is responsible for all staffing costs. The priority list has been closed since the early 1990s and the JV and SAP programs have been funded only sporadically during the past decade.

## **BACKGROUND ON THE COLVILLE TRIBES AND ITS HEALTH DELIVERY CHALLENGES**

Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of twelve smaller aboriginal tribes and bands from all across eastern Washington State. The Colville Reservation encompasses approximately 1.4 million acres and is located in north central Washington State. The Colville Tribe has more than 9,300 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of the Tribe's members live on or near the Colville Reservation.

Like many Indian tribes with large service delivery areas, the Colville Tribes faces a health delivery crisis. The Tribe's original IHS clinic in Nespelem, WA, was constructed in the 1930s. The Tribe tried in the 1980s and early 1990s to construct a new facility through the IHS priority list system. We understand that at one point, the Tribe's request for a new clinic in Nespelem was near the top of the priority list but was removed because of concerns that the facility was a historical site. That priority list has been locked since 1991 and some IHS Area Offices, including the Portland Area (of which the Colville Tribes is a part), have never had any facility constructed under the priority list system.

Because the Tribe's need for a new facility was so great and the priority list had been closed, the Tribe ultimately was forced to utilize a variation of the SAP to construct a new facility. Of a total contract amount of \$4,693,000 for the Nespelem facility, the Tribe funded \$3,324,000 and IHS funded \$1,369,000, with no staffing package. The clinic is complete, but the Tribe has an ongoing issue with adequate staffing of the facility, despite the costs that the Tribe paid to construct the facility. The Colville Tribes has also built two other facilities using tribal dollars under a similar arrangement.

The largest population center on the Colville Reservation, the Omak district, has no IHS facility of any kind and the Tribe has been examining potential avenues to construct an IHS facility there. For example, the Tribe sought to apply for the JV program for a new Omak facility when solicitations were being accepted for that program in 2009. IHS informed the Tribe, however, that to have a competitive JV application, it would need to secure up-front more than \$18 million for the construction of the facility and also pay for the initial equipping of the facility. Given the collapse of the woods products market, the Colville Tribes' main source of governmental revenue, and the dismal lending and economic conditions, the Tribe simply did not have the resources for this magnitude of financial commitment.

The Indian tribes whose projects made the final list of JV projects during that solicitation period were all, generally speaking, tribes with access to significant capital and other resources. In sum, rural, land-based Indian tribes with large service populations and limited access to capital are at a distinct disadvantage under the current IHS facility construction regime, even when those programs are funded.

### RECOMMENDATIONS FOR FY 2011

The FY 2011 request does not contain any funding for the SAP in FY 2011. This is contrary to Tribal consultation recommendations in the IHS budget formulation process. During these consultations, tribal leaders recommended that IHS's FY 2010 budget include \$20 million for an Area Distribution Fund (similar to the SAP), that the FY 2011 budget include \$140 million for an Area Distribution Fund, and that the FY 2012 budget include \$10 million.

The omission of funding in the request for the SAP is also inconsistent with the IHS National Budget Formulation workgroup recommendations. For the last two years, the workgroup has recommended to IHS, HHS, and OMB that the IHS facilities construction program must be realigned to provide consistent opportunities for Tribes to access facilities construction funding that provides similar benefits as the funding provided under Section 301(c) of the Indian Health Care Improvement Act (P.L. 94-437).

The Colville Tribes also notes that IHS's five year plan contemplates \$40 million for the SAP in FY 2012 and \$50 million in each of fiscal years 2013, 2014, and 2015. Indian tribes that desperately need new health facilities would benefit tremendously if this funding were made available beginning in FY 2011.

The Colville Tribes also believes that the Subcommittee should clarify that grant awards for SAP projects can include up to 50 percent of the staffing costs of the constructed facility. This would provide some measure of staffing for tribes that need it the most but that may not possess the resources to be competitive in the JV program. In instances where a tribal applicant can demonstrate that a SAP facility will serve a large service population or that other extenuating circumstances exist, SAP grants should also be made available up to the \$5 million level.

#### **Suggested Language:**

**"Changes to the Request include \$40 million for the Small Ambulatory Program. The Committee directs IHS to provide up to 50 percent of the staffing costs for the facility in awarding the grants. In evaluating applications, IHS may award up to \$5 million for the construction portion of grants in instances where a facility will serve an unusually high user population or where other unique circumstances exist."**

Going forward, the Colville Tribes hopes that IHS and the Committee will consider the circumstances of those tribes, like the Colville Tribes, that have built health facilities using tribal dollars because of the scarcity of IHS facility construction resources. As the Committee and IHS explore innovative approaches to meet facility demand, the Colville Tribes is hopeful that additional staffing resources will be made available to tribes in this situation

I appreciate this opportunity to testify today. At this time I would be happy to answer any questions the Subcommittee may have.

Mr. MORAN. Thanks very much, Mr. Finley.

Mr. Cole.

Mr. COLE. Thank you. Just again educational for me, how many tribal members, how many tribes, actually, collected together and how many members?

Mr. FINLEY. We have just under 9,400 members. We have 12 aboriginal distinct tribes that make up our confederacy, and as I stated, we have a land base of 1.4 million acres.

Mr. COLE. You mentioned the importance of timber obviously and how much that has hurt given what has happened in that industry. What are the other sources of income that the tribes have? What are their enterprises they operate?

Mr. FINLEY. Well, we have several enterprises. We do have casinos, and since we are one of the largest tribes in the Pacific Northwest, we do have a rather generous compact with the State of Washington, but at the same time we are off the beaten path. We are in probably the most rural areas in Washington.

Mr. COLE. It is a business where location is everything.

Mr. FINLEY. It is. We are not along a major corridor. We are not along an interstate. We are along a state highway, but again, you know, it is not a highway that is well traveled in comparison to some of the other ones such as the I-5 corridor, the I-90 in Washington State.

Mr. COLE. Do you have any sort of statistics on what the unemployment rate would be?

Mr. FINLEY. It is over 50 percent.

Mr. COLE. Thank you very much, Mr. Chairman.

Mr. MORAN. Thank you. Mr. Simpson.

I think for next year it might be helpful to have a map to see where exactly the tribes are located.

Mr. FINLEY. It is up there, dead center of Washington State. You see the largest tribe there in the middle? That is us.

Mr. MORAN. Thank you. That prior map that we had with the inlets and the bay, that was helpful, and I appreciate it. Thank you, Mr. Finley.

Next we will hear from Roger Trudell, who is the chair of the Santee Sioux Tribe.

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TUESDAY, MARCH 23, 2010.

## **SANTEE SIOUX TRIBE**

### **WITNESSES**

**ROGER TRUDELL**

**PATRICIA MARKS**

Mr. TRUDELL. Good morning, Chairman Moran and Committee members. I would like to thank you for the opportunity to be here and present, and this is Patty Marks, our attorney at large and our right-hand person out here in this area. I am chairman of the Santee Sioux Nation, which is located in northeastern Nebraska. We are in northeast Nebraska as we were removed from the State of Minnesota in the 1860s. Our tribe was the recipient of the largest mass execution in this country's history. Thirty-eight members of

our tribe were hung in public at Mankato, Minnesota, December 26, 1862. Later after that, two more were kidnapped from Canada and hung publicly again, so 40 in all. We are currently located in Nebraska and we have made a few stops before there. Our people were interred at Fort Snelling, which is close to Minneapolis-St. Paul area, removed to Crow Creek in South Dakota, then later relocated to Nebraska, where our home is now.

We have approximately 4,000-some members on our roll dispersed throughout the 50 states. How many total Santee Sioux are there? Nobody knows. A lot of them were absorbed by other tribes and currently in Canada.

Today I am specifically here to address the water needs on our reservation. Our population far exceeds the ability to put wells in anymore and the water that is available for drinking is not really potable, as I call it. They have other levels in here that Indian Health Service states the levels of our water do not meet human consumption. The approximate cost of a reservation-wide water system which would include all persons, tribal and non-tribal residing within boundaries of our reservation, approximately \$21 million.

The majority of our people are below the poverty level. We do employ through contracting of federal programs. We employ somewhere in the neighborhood of 100 people. We also have some private industry or private commercial activities that employ probably another 50 people or more, probably greater. We have a class II casino operation that employs 30-some people. They have a C store which is located on the reservation. It is open 24 hours a day. That employs anywhere from two to three people a shift. And we have a C store located in South Yankton, which is across the bridge from Yankton, South Dakota, and that is also a 24-hour operation that employs two to three people per shift also. The majority of those people at Yankton are non-tribal members. We do employ other tribal members that reside in the town of Yankton and some non-Indian people at that facility. We also have a business called Santee Financial Services, which is a lending institution, and that is serviced from the reservation.

Again, the water that we have, the studies have been going on actually since the 1960s. I see 1997 and 2004 in here. They have gone on longer than that. Indoor water was brought to our reservation in the early 1960s. Many of the people did not even have wells in the 1960s. Now the wells that we do have are all going bad. A lot of this is created by the Pick-Sloan Act. We are between the Fort Randall Dam and Gavins Point Dam, and we do have some visual aids there to show the siltation that is going on in the Missouri River caused by the Lewis and Clark Dam on the Missouri River, and we are on the tail waters of that. The siltation has caused a rising water table level and through that process, although you would think it would enhance our water sources, it is actually a detriment to it because it creates a lot of nitrates and other chemicals that are used in agriculture to filtrate into the wells and into the water system. That would cost approximately \$21 million. We also have a request to assist people with drinking water until that can be accomplished.

So I thank you for your time this morning.



[The statement of Roger Trudell follows:]

# **SANTEE SIOUX NATION**

**EXECUTIVE OFFICERS:**

**CHAIRMAN**  
**ROGER TRUDELL**  
**VICE CHAIRMAN**  
**DAVID HENRY**  
**SECRETARY**  
**CORA JONES**  
**TREASURER**  
**ROBERT CAMPBELL**



**DISTRICT REPRESENTATIVES:**

**SANTEE DISTRICT**  
**MARCELLA LAPOINTE**  
**HOWE CREEK DISTRICT**  
**KENNETH CHAPMAN**  
**HOBUS CREEK DISTRICT**  
**MARION BRANDT**  
**BAZILE CREEK DISTRICT**  
**FELIX KITTO**

**TRIBAL HEADQUARTERS**

**108 W. Spirit Lake Ave, Niobrara, Nebraska 68760 Phone: (402) 857-2772 Fax: (402) 857-2779**

**TESTIMONY  
 OF**

**ROGER TRUDELL, CHAIRMAN  
 SANTEE SIOUX TRIBE OF NEBRASKA**

Good Morning Mr. Chairman and Members of the Committee:

My name is Roger Trudell and I am the Chairman of the Santee Sioux Nation located in the State of Nebraska. Thank you for the opportunity to testify before you today. I am truly honored to be here.

Mr. Chairman, I am here today to ask for your help in providing our tribal members with one of the most basic requirements of life- Clean and safe drinking water.

Today, the water flowing from the faucets in our on-reservation members' homes is of such low quality that it is causing health concerns for our people on a daily basis. In fact, it is so bad that it can be compared to the water contamination found in third world countries. This water clearly fails to meet level two drinking water standards under the Safe Drinking Water Act and we believe, that at number of points each year, it even fails to meet level one drinking water requirements- this means that it is clearly contaminated and should not be drunk at all.

In 1997 and again in 2004 a Needs Assessment report was prepared by the Bureau of Reclamation which documented the poor water quality on our reservation and in the surrounding communities. (Needs /Assessment MR&I Water System, Santee Indian Reservation, Nebraska, March 2004) That Needs Assessment identified the need for water system improvement on the Santee Reservation and suggested alternatives for meeting those demands. The problem is that six years later nothing has been done to address the problems identified in that study.

Mr. Chairman, at one time we had clear, fresh, odor free drinking water, but a number of factors have caused that to change. Most significant among those was the construction of northern dams under the Pick Sloan Act, which have changed the flow rates of Missouri River and the flows and levels of the other bodies of water which connect to it. The simple result, however, is that because of the river and creek changes brought about by those projects, we now have surface

water to subsurface water contamination in tribal wells and in our drinking water system. I am providing you with copies of pictures taken of the area surrounding our on-reservation Most Merciful Episcopal Church, one in 1966 and one on March 18, 2010. These pictures show you the changes which have caused our current problems. As you can see, there is a dramatic difference in a mere forty four (44) years and the subsequent backup of water onto the lands of our reservation, especially in the area of our tribal wells, have left us with an emergency drinking water situation which simply has to be addressed as soon as possible.

Today, our drinking water is impacted by nonpoint source contamination from crop production. This results in elevated nutrients like nitrates and nitrogen going into our water supply. Our wells also see periodic contamination from pesticides like atrazine from those same farms. Bacteria are also going into our system at various points during the year. This is coming from confined animal feeding operations and animals on pastures which now have direct access to the streams. The overall result, however, is that today our drinking water is unsafe, it is cloudy, it causes skin irritations and it even smells like sulfur when you turn on the tap.

To make matters worse, a large majority of our members live on the edge of the poverty level and many of those who are just above the poverty level live on fixed incomes, or have salaries of around \$7.50 per hour. Thus, it is all but impossible for most of our tribal members to buy the water their families need to drink, cook, bath and wash clothes. Thus, today we have members using this unsafe water to take their prescriptions, make their meals and even to mix the formula for their babies and we have parents giving their children cheap high sugar content drink mixes to hide the taste of the water that flows from their taps.

The private wells that are currently in use throughout our reservation are also impacted. The ground water is high and rising each year. Consequently the ground water quality varies throughout the Reservation. The ground water in the southeastern portion of our reservation has the overall best water quality, but even it has an elevated concentration of nitrate-nitrogen, which in many wells exceeds the current drinking water standards.

Simply, put we need your help and we need it now. The BOR started feasibility work in 2004 but that work has never been completed, and to date the IHS has not identified our needs as a priority. In fact, since this has happened, it seems like our water problems are being treated like a ping pong ball, bouncing back and forth between agencies. Everyone is concerned and says how bad this situation is, but no one will step up to the plate and make a decision to fund this project.

Under our treaties, the United States assumed a trust responsibility for the health of our people. That responsibility has been placed, by this Congress, squarely on the shoulders of the Indian Health Service. I am therefore here today to ask you for \$21 million to complete the design and construction of a replacement for our existing water system, and for \$ 200,000 to help our impoverished families buy water to drink until this construction can be completed. You already know the poor health statistics associated with our people, so I won't repeat those figures to you again. But I will point out that safe drinking water will go along way to improve the health of our Santee people.

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Finally, while the health and welfare of our tribal members has to take priority, I would also like to note that this tribal drinking water problem has also crippled our attempts at economic development. The Tribe has long had plans to develop a hotel, and recreational area, as well as other businesses, but we certainly would not want to rent you or anyone else a hotel room with a sign in it saying, warning, this water does not meet minimum federal drinking water standards and has been known to create rashes on the skin of many people when it is used for bathing.

For all of these reasons, I implore you to help us by directing the I H S to address this problem. Even if you act today, our people will still have to wait at least 18 months to obtain clean safe drinking water in their homes.

Mr. MORAN. Thanks very much, Mr. Trudell. Who is your Member of Congress? Who represents you in the Congress?

Mr. TRUDELL. Adrian Smith is my representative from our 3rd district in Nebraska.

Mr. MORAN. Adrian Smith.

Mr. TRUDELL. I do not know him either. I do not think anybody in our part of Nebraska knows him.

Mr. MORAN. Do you know him? Is there a—oh, you do?

Mr. COLE. As a matter of fact, it is a big district. That is a 75,000-square-mile Congressional district.

Mr. MORAN. I did not know he was a colleague. Now I am embarrassed. I did not realize. Okay. I have not heard of him before.

Mr. COLE, do you have questions?

Mr. COLE. Yes, just a couple quick questions. You mentioned you had a class I facility. Is that all Nebraska allows? They do not have class III gaming?

Mr. TRUDELL. Nebraska does not have class III gaming.

Mr. COLE. This is a pretty dramatic picture. The siltation here is just amazing. Are there any state efforts for help?

Mr. TRUDELL. There are no state efforts. The state did come in and assist us when the wells that were our primary source for our main village of Santee were flooded. The state did come in and assist us with rebuilding those wells and providing drinking water for a period of time.

Mr. COLE. You mentioned you had 4,000 or so members. How many actually reside on the reservation and what is the size of the reservation?

Mr. TRUDELL. Well, our reservation is 12 by 17 miles. We own approximately 27,000 of those acres in there. We provide service. We have 2,300 active files in our health facility.

Mr. COLE. Are any of the neighboring communities, non-tribal communities, affected with a water situation similar to yours?

Mr. TRUDELL. Nibrara and Center and of course the communities east of us are already on rural water systems.

Mr. COLE. Thank you, Mr. Chairman.

Mr. MORAN. Thank you, Mr. Cole.

Ms. MARKS. May I make one—

Mr. MORAN. Please.

Ms. MARKS. We had a meeting with the Indian Health Service 2 weeks ago. One of the concerns is that this water clearly does not meet level II of the Clean Drinking Water Act. Indian Health Service says because they cannot monitor the tribal system every day, they believe that on various occasions, more numerous than we would like to talk about, it does not meet level I. We have mothers mixing baby formula with water that does not meet level I. We have people who literally cannot afford to buy it so they are adding sugary mixes, Kool-Aid, whatever we can, to kill the taste. This water smells. I cannot get it from my mouth to my nose.

This has been a ping pong ball. The Bureau of Reclamation sends us back to the Indian Health Service who sends us over to Interior who sends us back over here. We have got to solve this problem. We cannot have newborn infants drinking contaminated water. That is why we put the request in for the \$200,000 just to buy

water for those young mothers until we can get this problem fixed. It is a serious mess.

Mr. COLE. May I ask an additional question, Mr. Chairman.

Mr. MORAN. Please, go ahead.

Mr. COLE. You know, when you talk to BIA, what do they tell you in terms of what is available——

Ms. MARKS. Go to Reclamation or Indian Health.

Mr. COLE. And what do they tell you?

Ms. MARKS. Indian Health says we will try to get you on the priority list. Reclamation says all of our monies come through earmarked for specific projects.

Mr. COLE. Does anybody acknowledge that the Federal Government has an obligation to provide you water on a reservation?

Ms. MARKS. That is why quite frankly I recommended to the chairman that he come here and get you in the mix of people being talked to about this issue because no one seems to want to have this squarely within their box. Reclamation says well, we build big huge water systems. Indian Health Service says we build wells. Bureau of Indian Affairs says we do not deal with water at all. It is one of those things where there is no question the authorization exists but for someone to step up and say this is our agency's responsibility and we will help you is what we are missing.

Mr. MORAN. Well, frankly, it is difficult to do much without the person who represents you advocating for you because there are members who advocate for tribes within their district. Mr. Cole does that extremely well.

Ms. MARKS. And Mr. Smith is publicly in support of this project.

Mr. MORAN. Does Senator Nelson get involved at all?

Ms. MARKS. Senator Nelson is weighing in now. Senator Johanns has been very upfront for a while. Part of the issue was, we kept hoping, BOR started a study of this water back in 2004. They never finished it. The administration changed. Mr. Osborne, who was a former member of this fine body, retired, and since then no one is picking up the ball. We certainly are going to encourage as much as we can with our delegation but I would state for the record, it is my belief that this is a trust responsibility area. It is squarely on Indian Health Service's shoulders, and this Committee has oversight over Indian Health Service.

Mr. COLE. You make a very good point. It is very clearly a trust responsibility to provide water on a reservation.

Ms. MARKS. You cannot drink it. You cannot bathe. You cannot wash dishes. You cannot cook.

Mr. COLE. So that is a failure of the——

Ms. MARKS. When you boil the water and it still comes up unsafe, there is a problem here we have to figure an answer to.

Mr. MORAN. Well, good for you for bringing it to our attention. I am not sure what we are going to be able to do. I wish Mr. Osborne was still here representing you.

Mr. COLE. Mr. Chairman, speaking for somebody that is an ardent OU Sooner fan, we are glad he is back in Nebraska but we do not wish him quite the success that he used to have.

Mr. MORAN. It is troubling. The Sioux Nation was one of the greatest, most heroic, tribes and that is basically why you have suffered and been abused in such an extreme manner. I would hope

that we could do something about this situation. This is not your land. You were put here and your land was taken from you. For what it is worth, I wish that stories like this could be told at the American Indian Museum just half a block away. Unfortunately, as far as I am concerned, it is a glorified craft store, but this is the history that should be shown. I was not aware of the situation in Minnesota. I am glad you brought it to our attention, but most importantly, I am glad you described your current situation because it continues to be one of deliberate abuse as far as the testimony you have provided today. It needs to be rectified. I hope maybe Mr. Cole and I can figure out something to do about it. Thank you very much.

Ms. MARKS. Chairman, congratulations, sir. We are very pleased to have you as chairman.

Mr. MORAN. Thank you. Thank you for saying that.

All right. The next testimony will come from Ron Suppah. You are the chair of the Confederated Tribes of the Warm Springs Reservation of Oregon?

Mr. SUPPAH. Yes, sir.

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TUESDAY, MARCH 23, 2010.

**THE CONFEDERATED TRIBES OF THE WARM SPRINGS  
RESERVATION OF OREGON**

**WITNESS**

**RON SUPPAH**

Mr. SUPPAH. Good morning, Mr. Chairman and members of the Subcommittee. I am Ron Suppah, chairman of the Confederated Tribes of Warm Springs Reservation of Oregon.

Warm Springs is a forestry tribe. Timber is a principal source of our revenue and jobs, and the health and good management of our forest is very important for us. Unfortunately, BIA has been starving its forestry programs for years. It gets only about one-third of the per-acre funding of the Forest Service, and since 2003 inflation has gone up 17 percent while BIA forestry has only gone up 5.3 percent. At Warm Springs, this unfair treatment of BIA forestry funding has seriously eroded our forestry staff. Eleven of our 27 full-time positions are permanently unfunded. Our ability to plan and manage our forest has been crippled.

Warm Springs believes the following steps are needed to begin repairing this damage. First, reject the absorption of BIA fixed costs. We are already way understaffed and this cut will only eat further into forestry and other programs' limited funds. Second, BIA forestry funding must be substantially increased. The Inter-tribal Timber Council suggests increasing forestry to \$31.2 million just to keep up with increases given other agencies in recent years. We believe it would be a start and we support that. Third, in the BIA forestry project budget, restore \$1 million to the Timber Harvest Initiative Program and add \$5 million to forest development to reduce the national thinning and replanting backlog of 900,000 acres. On Warm Springs, our own backlog is approximately 60,000 acres.

Also related to our forestry is BIA Endangered Species Act funding. Nationally, the ESA program needs at least \$5 million and \$2.3 million needs to be directed for the northern spotted owl on the Northwest reservations.

Mr. Chairman, for BIA law enforcement, Warm Springs asks that the \$19 million for FBI agents be kept at BIA to increase the pay of tribal law enforcement personnel. Being able to retain our tribal police will do more to improve day-to-day law enforcement on the ground than hiring more FBI agents.

For BIA Johnson-O'Malley, Warm Springs urges it be funded at \$25 million. That is the only BIA elementary and secondary support for the great majority of our tribes whose children are in public schools and its decline must be reversed.

In the Indian Health Service, add \$100 million to contract health care. There are no IHS hospitals in the Northwest so even with recent increases, when contract care money now runs out around the middle of the year, our care is pushed back to next year.

Finally, please instruct the IHS that 638 contract support funding for new contracts must be spent on new contracts. Currently, they use that money to help existing contracts and will not fund new contracts such as ours.

Mr. Chairman, that concludes my remarks. Thank you.

[The statement of Ron Suppah follows:]



**TESTIMONY PRESENTED BY RON SUPPAH, CHAIRMAN,  
THE CONFEDERATED TRIBES OF THE WARM SPRINGS  
RESERVATION OF OREGON  
to the HOUSE APPROPRIATIONS SUBCOMMITTEE  
FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
REGARDING FY 2011 APPROPRIATIONS FOR  
THE BUREAU OF INDIAN AFFAIRS and THE INDIAN HEALTH SERVICE  
March 23, 2010**

**SUMMARY**

Mr. Chairman, I am Ron Suppah, Chairman of the Confederated Tribes of the Warm Springs Reservation of Oregon. I hereby present the following requests for the FY 2011 BIA and IHS appropriations.

- 1) In BIA, reject the proposed absorption of \$19.4 million in fixed cost increases.**
- 2) In BIA Forestry, significantly increase the BIA basic TPA Forestry budget.**
- 3) In BIA Forestry Projects, restore \$1 million to the Timber Harvest Initiative and add \$5 million for Forest Development.**
- 4) In BIA, provide \$5 million for Endangered Species funding, including \$2.3 million for Northern Spotted Owl and marbled murrelet surveys.**
- 5) In BIA Law Enforcement, direct the \$19 million for FBI agents to BIA Criminal Investigations and Police Services and Detention and Corrections for tribal pay increases.**
- 6) In BIA, fund Johnson O'Malley at \$25 million.**
- 7) In IHS, increase Contract Health Care funding by \$100 million.**
- 8) In IHS, require that Contract Support Cost appropriations for new contracts be used for those purposes, and increase Contract Support Costs by \$150 million.**

**1) In BIA, reject the proposed absorption of \$19.4 million in fixed-cost increases.**

Mr. Chairman, the Confederated Tribes of the Warm Springs Reservation of Oregon urges this Subcommittee to reject the Administration's proposed BIA absorption of \$19.4 million in fixed costs. BIA is already sharply understaffed, caused by having to steadily absorb part of fixed cost increases for many of the past years. Such requirements have heavily eroded not only personnel, but program funding as well. This is doubly unfair for programs that have not received any funding increases in years. One example is the Forestry program. Our Tribe is dependent on timber income for our provision of tribal government services, and forestry personnel are necessary to run a commercial forest. The BIA Forestry program funding has been less than inflation over the past six years, so that today eleven of the twenty-seven full time Forestry positions at Warm Springs are essentially permanently unfunded and unfilled. For Forestry and other BIA programs, this idea that fixed costs can be endlessly absorbed strips programs of their personnel and erodes the provision of services to the tribes. It is not fair or justified, and we ask the Subcommittee not to allow it for FY 2011.

**2) In BIA Forestry, significantly increase the BIA basic TPA Forestry budget.**

As I previously mentioned, the BIA's basic TPA Forestry budget has steadily and seriously eroded. The Administration's requests for BIA Forestry over the past many years have failed to even keep pace with inflation, so that today, this key trust program, which has a long history of insufficient funding, is only falling further and further behind.

In 1993, an independent review of tribal forests and forestry revealed that Indian forestry funding on a per-acre basis is only one third that of the U.S. Forest Service's National Forest System. In 2003, the second review (Indian Forest Management Assessment Team reviews and reports are statutorily required every ten years) found the same level of disparity – no change for the federal trust management of tribal forests.

From October 2003 to this January, inflation has increased 17%, according to the U.S. Department of Labor. Over the same period, funding for BIA TPA Forestry, which is supposed to fund basic on-going timber harvest and forest administration, has only increased 5.3%. BIA personnel continue to receive cost of living increases, but those mandatory costs are not fully funded and eat up more and more of the Forestry program.

The 2003 IFMAT 2 report identified an annual \$120 million increase as necessary to bring Indian forestry to parity with comparable Forest Service activity. That is a large number. But I urge the Subcommittee to review the report and evaluate the differences between BIA Forestry funding and that for the National Forest System, and, working with the tribes and the BIA, fashion a plan to correct the glaring and insupportable deficiency in BIA Forestry funding.

**3) In BIA Forestry Projects, restore \$1 million to the Timber Harvest Initiative and add \$5 million for Forest Development.**

In FY 2008, the Administration eliminated \$1 million from the BIA's \$1.8 million Timber Harvest Initiative program, and the funds have not been restored. The Timber Harvest Initiative, carried in BIA Forestry Projects, is intended as flexible funding to supplement timber harvest budgets and manpower at tribal locations with harvest backlogs to provide a needed short-term boost to eliminate the backlog and bring the reservation's forest back into compliance with its management plan. With the BIA regular Forestry budget lagging ever further behind, this flexible funding is more needed than ever for reservations otherwise without sufficient funds to process their harvest. Even if basic BIA TPA Forestry funding receives the substantial increase it requires, the Timber Harvest Initiative will still be needed at its previous full funding of \$1.8 million to address backlogs and expedite sales, particularly when the timber market recovers.

Also in Forestry Projects, we agree with the Intertribal Timber Council that the Forest Development budget be increased by \$5 million to initiate a program to eliminate the one million acre national Forest Development backlog. Much of our 250,000 acre commercial forest at Warm Springs is in need of thinning and replanting, improving the health and resiliency of our principal resource and helping its future value. Moreover, with the current slow timber market, thinning and planting jobs will help keep our forestry crews in work. Finally, the woody biomass produced by thinning operations will help provide fuel to the 20 megawatt biomass electric generation facility we are developing at our sawmill. A \$5 million Forest Development increase, along with the \$1 million requested for the Timber Harvest Initiative, will begin the needed restoration of the Forestry Projects line item, which has fallen from \$18.5 million in FY 2005 to \$17.6 million requested for FY 2011.

**4) In BIA, provide \$5 million for Endangered Species funding, including \$2.3 million for Northern Spotted Owl and marbled murrelet surveys.**

The Endangered Species budget item is the only BIA funding for tribal Endangered Species Act compliance for the Northern Spotted Owl and marbled murrelet in tribal forests.

Funding for this mandate was initiated in FY 1993 by this Subcommittee. Fourteen years ago in FY 1995, Congress provided \$1.83 million for tribes affected by the Northern Spotted Owl and the marbled murrelet. In FY 2002, Congress provided a total of \$3 million for the BIA's national Endangered Species program. Thereafter, Administration requests drove the appropriation down to the point that, in FY 2007, it only funded one position in the Central Office, and there was zero funding directed to reservation-level ESA work anywhere in the United States.

Since then, Warm Springs deeply appreciates the work of this Subcommittee to restore the BIA's ESA program. We understand the BIA distributes that funding to more than thirty-one locations nationwide, of which Warm Springs receives about \$45,000. Regretfully, that amount can only address a fraction of our ESA needs, and is less than half of what we were receiving for the Northern Spotted Owl back more than twelve years ago, without factoring in inflationary adjustments.

For FY 2011, the Administration is requesting \$1.249 million for BIA Endangered Species mandates on Indian land, but Warm Springs requests that the Subcommittee provide at least \$5 million for the BIA Endangered Species budget nationwide, and that at least \$2.3 million of that be designated for Northern Spotted Owl and marbled murrelet surveys on affected reservations. These species are still listed and ESA compliance is required for our forest management and our timber harvest. I must also note that our Reservation is affected by listed spring Chinook and summer steelhead. Currently on our Reservation, these are pure unfunded mandates, and compliance either goes lacking or other desperately needed services for our community must be reduced. To correct this on a nationwide basis, we roughly estimate that Indian Country easily needs a total of \$5 million in FY 2011 for ESA activities, with \$2.3 denoted for the Northern Spotted Owl and the marbled murrelet.

**5) In BIA Law Enforcement, direct the \$19 million for FBI agents to BIA Criminal Investigations and Police Services and Detention and Corrections for tribal pay increases.**

Mr. Chairman, the Warm Springs Tribe appreciates the national BIA law enforcement increases provided by the Subcommittee in recent years. While our Tribe directly funds our patrol officers, the BIA funds our detectives and a significant part of our detention personnel. Both of those functions have seen modest increases in the last two years, but not enough to address a law enforcement staffing problem that plagues Warm Springs and many other tribes that contract law enforcement functions – the continual loss of trained personnel due to low pay. Our 638 funding from BIA is simply insufficient to retain trained law enforcement personnel. We work hard to attract new hires, but after a couple of years on the job, when they are trained and familiar with our community, they leave for better paying jobs. Tribes that contract their police functions should be able to pay their police a wage that is at least close to that of their BIA counterpart. In our estimation, in terms of improving day to day law enforcement on the ground on Indian reservations, the \$19 million proposed to go to the Justice Department to hire FBI agents and an equal or greater number of support personnel would be much better spent on BIA Criminal Investigations and Police Services and Detention and Corrections to improve the wages of tribal police. More competitive pay would enable tribes to retain law enforcement personnel they have trained and who have invaluable local experience. That, we believe, is a better law enforcement investment than sending the money to DoJ for more FBI agents, many of whom would be based away from reservations.

**6) In BIA, fund Johnson-O'Malley at \$25 million.**

Mr. Chairman, for FY 2011, we urge that you fund Johnson-O'Malley with at least \$25 million. While the Bureau of Indian Education request of \$525 million for Elementary and Secondary Education provides direct services to perhaps 15% of Indian children, the only BIA elementary and secondary education funding available for the remainder of Indian school children is Johnson-O'Malley, and this funding has declined from \$16.7 million in FY 2004 to the \$13.4 million requested for FY 2011. Moreover, in recently past years, the Administration has sought to eliminate JOM altogether. JOM funds are essential. They are the only federal education funds subject to tribal direction for tribal students in local public schools. The \$25 million will help make up for the past Administration's reluctance to fund JOM and address the growth in the number of Indian school age children.

**7) In IHS, increase Contract Health Services funding by \$100 million.**

The Warm Springs Tribe appreciates the Administration's significant increases sought in FY 2010 and now FY 2011 for IHS Contract Health Services (CHS). Unfortunately, the program is in such dire need that we must request an additional \$100 million for FY 2011. With no IHS hospital in the Northwest, tribes in our Region are particularly dependant on CHS funding for at least minimum health care. With medical inflation at 10% a year as reported in the IHS Justification, the \$83.4 million increase proposed for FY 2011, while significant, does not cover much more than inflation, let alone our population growth and the staggering backlogs of unmet need for Contract Health Services. We believe a further addition of at least \$100 million would be an important step toward making up the program's more than \$1 billion in unmet need reported in the Senate Indian Affairs Committee's FY 2011 Views and Estimates letter. It would assure some reduction of the CHS health care rationing that permeates the system today. Finally, it would also be an incremental step toward the additional \$500 million increase recommended in the NCAI FY 2011 Indian Country Budget Request.

**8) In IHS, require that Contract Support Costs for new contracts be used for those purposes, and increase Contract Support Costs by \$150 million.**

For years, IHS has declined a new 638 proposal from our Tribe because, they say, they have no contract support funds for new contracts. Congress has appropriated funds for new contracts, but IHS cites ambiguous language to thwart our request. So, we ask two things: First, that IHS appropriations language be changed from "may" to "shall" to mandate that appropriations for new or expanded contract support costs "shall" - not "may" - be used for new or expanded contracts. Secondly, we ask that FY 2011 IHS Contract Support Costs be increased by \$150 million, which we believe is in keeping with recommendations by Indian health organizations, to allow ourselves and other tribes to fully participate in the benefits of the PL 93-638.

That concludes my testimony. Thank you.

Mr. MORAN. Thank you. That is a sophisticated analysis of the budget. Good for you, Mr. Suppah.

Mr. Cole.

Mr. COLE. A couple questions just quickly. I am interested in the idea of \$19 million for FBI because you put your finger on a difficult problem. We know we do not have enough tribal law enforcement personnel but we also know they do not have the same authority that an FBI agent does on Indian land, and one of our big problems is tribal courts are so limited in the kinds of penalties they can impose on non-Indians on Indian land. They ought to have, in my mind, the same jurisdiction as any local jurisdiction does. They ought to be able to impose the same kind of penalties as would be imposed on me if I committed a crime in Alexandria, Virginia, even though I am not from Alexandria. But if you do not have this federal component, do you have any concerns that you are not going to have people with adequate jurisdiction because we know a lot of crimes do not go punished appropriately because it is just a long time before you get a federal investigator to deal with them.

Mr. SUPPAH. It is funny that you should bring that up as an example because Warm Springs has recently had a tribal police officer follow a non-tribal member off the reservation on a state highway across the reservation line and cited the individual and they were subsequently taken to court in Jefferson County in Madras, which is an off-reservation community, and the court there found them guilty, and basically the non-member appealed that to the Oregon Supreme Court and the Oregon Supreme Court overturned that decision by the Jefferson County judge, and basically we run into that dilemma of islands of no jurisdiction. That is what reservations are now in Oregon and we are working with the state attorney general's office to ask them to help us, and they said that they will appeal to the Oregon Supreme Court to review that case.

Mr. COLE. It is a huge problem. Our colleagues, Stephanie Herseth-Sandlin and Senator Dorgan, actually have a pretty good piece of legislation to try to enhance the authority of tribal courts, but you are still going to have this disparity between what literally a non-tribal judicial system right next door can do, and it invites crime in. I mean, criminals are not stupid. They go to places where there is not as much law enforcement and the penalties that can be imposed are not nearly as great. It makes sense then to prey on those communities as opposed to somebody right next to them.

Let me ask you another question because you really hit on something that is near and dear to my heart, which is Johnson-O'Malley.

Mr. SUPPAH. Can I finish?

Mr. COLE. Please do.

Mr. SUPPAH. I think that a lot of the goal as tribal members, we made a run for the line as kind of like a safety to get back onto the reservation where we felt we were safe. That was the tribal member doing that. Now it has been reversed to where now the non-members are running for that line because there is a jurisdictional void there.

Mr. COLE. I can assure you, you are exactly right.

You made a pretty strong pitch for Johnson-O'Malley money, which I could not agree with you more since about 90 percent of native kids are actually not in reservation schools, they are someplace else, and that is something honestly we have not really substantively increased since 1995. We actually froze the population count as if there were no new native kids in non-native school districts, and it is a very good but very, very dramatically underfunded program. Do you have kids off your reservation in non-tribal schools? Is that where your interest comes from?

Mr. SUPPAH. Yes. Approximately 50 percent of the 509-J school district where our children go to public schools is comprised of tribal membership.

Mr. COLE. Is there any particular programs for them in these non-tribal schools that help them deal with the challenges they have or teach them about their own culture and history?

Mr. SUPPAH. Well, I think that try as we may, the dropout rate is severely high for our tribal membership and our graduate rate is hurt also, so that is why it becomes more critical for Johnson-O'Malley to come into play because you can get tutor programs and other kinds of assistance for the tribal members that go to school there.

Mr. COLE. Well, I do not know what the dropout rate is in your tribe, but I know nationwide, you are talking only 49 percent of native kids finish high school compared to 75 percent national average, and about 10, 11, percent go to college compared to almost a quarter of the non-native population, so you really put your finger on a pretty critical problem.

Anyway, I am sorry, Mr. Chairman, but it is very excellent testimony. Thank you.

Mr. MORAN. Yes, very interesting. Thanks very much, Mr. Cole. Thank you very much, Mr. Suppah.

Mr. SUPPAH. Thank you guys for the time.

Mr. MORAN. Appreciate it. Thank you. Good for you.

Delores Pigsley is the next person, chair of the Tribal Council of the Siletz Tribe in Oregon.

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TUESDAY, MARCH 23, 2010.

## **SILETZ TRIBE**

### **WITNESS**

#### **DELORES PIGSLEY**

Ms. PIGSLEY. My name is Delores Pigsley and I am the chairman of the Confederated Tribes of Siletz Indians of Oregon and we are a small tribe on the Oregon coast. We have 4,700 tribal members who have a most tragic history. We negotiated treaties. Seven of those treaties were ratified and one was not. We were removed from our aboriginal homelands. We were terminated in the 1950s and restored in the 1970s during the Carter administration, and because of termination, we have been subjected to many injustices.

We have a long list of needs. Many of them are basic needs because we had no services for those years of termination. Health care is our top priority, and I thank those of you who supported

the Indian Health Care Improvement Act because we hope that it will benefit us. We are requesting \$2.9 million to address staffing and equipment needs for our clinic. From restoration in 1977 until today, we have not had the opportunity to have an IHS clinic funded on our reservation. We would still find ourselves on the waiting list. We were fortunate to get a grant, a loan and Congressional dollars for startup equipment to build a small clinic in Siletz. The clinic was funded as a demonstration project and it still bears that title. Since the clinic was built in Siletz, it has been expanded twice. The need for further expansion occurred about 3 years ago, and today we have built a new clinic that is going to open in May and it is three times the size of our current clinic to be able to support the services to our expanding population and non-tribal members.

Our clinic services our membership as well as the community at large and we are one of the few tribes in Oregon that accept Medicare and Medicaid patients. People drive a long ways to visit our clinic. The new clinic will be able to accommodate many more patients and services and funds for additional staffing and equipment will help to address the greater need of the providing services.

Our tribe is totally dependent on contract health care as are most of the tribes in the Northwest. All the services that we get in hospitals, we pay out of contract health care, and contract health care dollars until the last 2 years has not had a sizable increase.

An example of critical needs—we have a long list of deferred surgeries, surgeries that include carpal tunnel, knee surgeries, stomach hernias, rotator cuff repair, gastric bypass, MRIs for various things, dental surgery, hysterectomy. None of those services get funded.

The second-highest priority is providing education benefit scholarships for every tribal member that wants to go to college. Back in the days when the tribe was restored, we had zero dollars, and I was the secretary-treasurer in the 1970s, and \$75 was the most money we ever had in our coffee can. Today we provide services and scholarships to every student or adult that wants to go to college. The higher education funds have been stagnant since 1995. In 1995, we had 35 students in college. Today we have 161 students. The tribe has had to make up the shortfall in funding to the tune of \$3.5 million. For 2004 to 2009, we were funded \$707,000. Our costs were \$4.2 million. We make these difficult funding decisions because we view education and health as one of the best investments that our tribe can make for its members, and we fully support the Northwest Portland Area Indian Health Board's budget request along with the National Congress of American Indians. We fully support funding Indian boarding schools. The Chemawa Indian School is a mile away from my home and they never receive adequate funding for the students that they get at the school and care for. Thank you.

[The statement of Delores Pigsley follows:]

**TESTIMONY OF  
DELORES PIGSLEY, TRIBAL COUNCIL CHAIRMAN  
CONFEDERATED TRIBES OF THE SILETZ INDIANS OF OREGON  
BEFORE THE  
HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
FY 2011 BUDGET**

**Public Witness Hearing on Native American Issues  
March 23, 2010**

My name is Delores Pigsley. I am the Tribal Council Chairman for the Confederated Tribes of the Siletz Indians of Oregon. I am here today to present recommendations on the proposed 2011 Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) appropriations. My remarks speak to the following needs:

- IHS Contract Health Services & Catastrophic Health Emergency Fund programs – a \$183 million increase
- IHS Small Ambulatory Program – restore funding at the 2002 level of \$10 million, including \$2,990,050 to meet staffing and equipment needs at the Siletz Community Health Clinic
- IHS Health Facilities Accounts for Maintenance and Improvement (M&I) program - \$225 million increase
- BIA Johnson O'Malley Act - \$10.8 million increase to fully restore funding
- BIA Adult Education, Adult Vocational Training & Higher Education – increase to \$100 million
- Contract Support Costs for BIA & IHS - add \$86 million and \$149 million respectively

**IHS Proposed Budget.** The President's request of \$4.4 billion for the Indian Health Service (IHS) budget to support and expand the provision of health care services and public health for American Indians & Alaska Natives marks the second year of remarkable support for our health care programs. Last year's increase of 13.2% was a step in the right direction, following eight years of meager increases that failed to even keep pace with inflation. This year's FY 2011 President request for the IHS includes an 8.7% increase and will come close to maintaining current services. We estimate that an additional \$111 million will be needed to maintain current services for the Indian Health Service. However, there continues to be a tremendous unfunded need for IHS and Tribal health programs.

**IHS Contract Health Service (CHS).** This program is the most important budget line item in the IHS budget for the Confederated Tribes of Siletz. IHS areas like the Portland Area (with no IHS or tribal hospitals) are 100% dependent on CHS resources to pay hospitalizations and hospital services, including specialty care. Access to Medicare-Like Rates beginning in July 2007 helped alleviate some of the backlog of cases and relax priorities for a short period; however, sufficient inflationary and population growth funding is critical to maintain current



levels of care. Current funding does not begin to address the tremendous backlog of deferred care. Deferred services are those services that, while medically necessary, do not meet current priorities for funding.

Our 2009 CHS program has accumulated a Deferred Services List of 352 medical, dental and mental health requests, totaling an estimated \$2.7 million dollars. Surgeries such as carpal tunnel release, rotator cuff repair, knee surgeries, gastric bypass, inpatient psychological treatment, herniated disc repair and hysterectomies are deferred because CHS cannot afford this level of care. Treatment of orthopedic injuries is one of our greatest challenges: thirty-three requests for various types of MRI's have been deferred, including knees, backs, and shoulders. Because CHS cannot afford to pay for surgeries if indicated by the MRI, they are deferred. The unfortunate reality is that it is less expensive to purchase a cane, walker, crutches, back or neck brace than surgically repair orthopedic injuries.

We support distribution of CHS dollars with a formula that recognizes that some areas are strongly dependent on this funding source. A program increase of \$183 million in Contract Health Services and the Catastrophic Health Emergency Fund is needed to begin to address some of the backlog of deferred cases.

**IHS Small Ambulatory Program.** Facilities funding for small ambulatory clinics continues to be a high priority. However, the President has not requested funding for the small ambulatory program in FY 2011. In the Northwest the majority of tribes are small, with less than 5,000 members. Small tribes are locked out of the current facility construction priority system and we continue to advocate for alternative methods to build health facilities. The small ambulatory construction program allows this. We were fortunate to receive these funds in FY 2006 in the amount of \$2 million and used it as seed money to replace our aging medical facility. The Tribe is contributing \$6.588 million to construct and equip a new state-of-the-art medical facility. Our medical clinic was originally funded by special congressional appropriation in FY 1989 as a demonstration project.

The Siletz Community Health Clinic was one of the first in the nation to offer health care to both the Indian population and the local non-Indian community and today is one of the very few primary care providers in Lincoln County who accepts new patients who are insured by Medicare or Medicaid. Our small clinic was immediately successful, and in three short years our collection funds were directed toward a facility expansion. Now, nineteen years later we have outgrown our facility and the site it sits on. The Tribal Council's investment into a new, larger facility recognizes the growing need for quality health services in this era of health care reform and escalating insurance premiums.

Our clinic has a proven record of excellence, achieving and maintaining accreditation through the Accreditation Association for Ambulatory Health Care (AAAHC) for more than ten years. Unfortunately, small ambulatory construction projects (SAP) do not qualify for new staffing under the current facility priority system. We have asked our congressional delegation to support a special appropriation for staffing and equipping our new clinic in the amount of \$2,990,050. This committee's support of our request would be appreciated. Unfortunately, small

ambulatory construction projects (SAP) do not qualify for new staffing under the current facility priority system.

**IHS Health Facilities Accounts for Maintenance and Improvement (M&I).** My final note regarding the IHS budget is a plea for adequate increases in the Health Facilities Accounts for Maintenance and Improvement (M&I). We will soon begin relocating our clinic staff into the new medical facility. Protecting our capital assets and facility from deteriorating due to lack of funding for routine maintenance is one of our highest priorities. The President's request for M&I is \$55.5 million, a slight 3% increase over last year. We recommend an additional \$225 million in FY 2011 to address the current shortfall in facilities maintenance and improvement.

**BIA Overall Proposed Budget.** Although the President's proposed \$2.6 billion request is a \$3.6 million decrease from the 2010 enacted level, the Tribe is pleased to see there were increases for Tribal Public Safety and Tribal Priority Allocations. However there are still programs which have been historically underfunded that are critical areas of concern for the Siletz and other tribes.

**BIA Johnson O'Malley Act (JOM).** In 1995 funds for Johnson O'Malley were frozen, limiting funds to a tribe based upon its population count in that year. Tribal Priority Allocation (TPA) for years and has since been reduced to below that level. The Siletz Tribe receives \$83,000 for this program, which does not cover services for children or staff time. In 2009, the Tribe provided 3,416 services to JOM eligible children for tutoring, school supplies, and athletic and scholastic fees. The number of children that receive services from 1995 to now has increased at a greater rate each year. The Tribe serves tribal children in the three largest cities in Oregon—Portland, Salem and Eugene. The FY 2011 Budget Request is \$13,434 million and needs to be \$24.3 million to fully restore funding.

**BIA Adult Education, Adult Vocational Training and Higher Education.** Through the Bureau of Indian Affairs Self-Governance funds, the Confederated Tribes of Siletz Indians of Oregon provides Adult Education, Adult Vocational Training (AVT), and Higher Education. Every year we see an exponential growth in the number of students with no increase in funding level. In FY 2002, \$30 million was provided for scholarships and adult education. That was unchanged in FY 2009. It is \$34 million in FY 2010 and 2011. Based on our own experience, these budgets should be trebled, with an increase to \$100 million.

In 2009, the Tribe had 198 requests for Adult Education. With a budget of only \$4000, the Tribe caps requests at \$400 and only a small fraction of requests are funded.

With an increase in applications and without additional funding our people are further handicapped and their possibilities are limited. In 1995 the Tribe had 12 AVT and 35 Higher Education students; in 2010 there were 41 AVT and 161 Higher Education students. Available tribal data from 2004 through 2009 shows that the Tribe received \$568,993 for AVT in our BIA Self-Governance Compact. Actual costs to fund AVT students for these six years were \$855,813 a shortfall of \$286,820. We made up the difference using tribal revenues and cutting funds from other tribal programs to meet higher education needs. For that same time period for Higher

Education, our Compact amount was \$707,527, actual costs were \$4,288,755 and the shortfall that the Tribe had to cover was \$3,581,228. The Tribe makes these difficult funding decisions because we view education as one of the best investments we can make for the future of our members.

Our current funding level does not bode well. In 2009 the tribe spent \$170,164 for AVT students; the 2010 Compact funding is at \$140,000. Last year \$635,612 was expended for Higher Education; only \$175,000 available for 2010. In order to stretch funds the Tribe has implemented a cap on funding equivalent to the costs of attending a public university. However this serves to limit scholastic opportunities for tribal members accepted at prestigious out-of-state or private colleges. The lack of BIA funding limits the opportunities our students may have and they are unable to reach potential. To see success as individuals as well as a united people and ensure that no child is really left behind, additional funding is needed.

**Contract Support Costs.** An increase in contract support costs (CSC) is necessary as tribal governments continue to assume control of new programs, services, functions, and activities under Self-Determination and Self-Governance. Tribes are legitimate government contractors, whose indirect rates are objectively calculated by the Inspector General. Payment of these costs to tribes is required by federal law (ISDEAA) and has been upheld by the U. S. Supreme Court (*Cherokee Nation v. Leavitt*). Each year insufficient funds for contract support costs leaves Tribes to address these imposed shortfalls, resulting in reduced services to tribal members. For Siletz, we have seen tribal child welfare positions go unfilled, while remaining staff carry caseloads two and three times higher than their state counter-parts. In some cases the Tribe has to seek additional grants to fund salaries and services—our Natural Resources clerk has three funding sources. This situation is not limited to BIA and IHS funding.

Without adequate contract support costs funding, the promise of the 1975 Indian Self Determination and Education Assistance Act (ISDEAA) to allow tribes to contract and compact to administer programs formerly administered by these agencies goes unfulfilled. Under contracting and compacting, tribes have increased the quality and level of services to tribal members under these policies. Failure to adequately fund CSC defeats the very programs that appear to be helping improve conditions for American Indians and Alaska Natives. I urge you to fully fund contract support costs for BIA with an increase of \$86 million and for IHS with an increase of \$149 million, as projected by NCAI.

Thank you for allowing me to share my recommendations with you today and I would be happy to answer any questions.

Mr. MORAN. Thank you very much, Ms. Pigsley.

Mr. Cole.

Ms. PIGSLEY. Any questions?

Mr. COLE. Just one quick one. I was curious, what are your sources of income since you are obviously picking up a lot of costs. What tribal enterprises or—

Ms. PIGSLEY. Well, in the beginning we had—we have timber and we cut just a small, I think it is 2.5 million board feet a year, very small timber base that would not support government. Our largest source of funding comes from a casino that we built on the coast. It is right on the beach in Lincoln City, and since we built the casino, we purchased the hotel next door and the golf course down the road and so it has been our—and we the largest employer in the county. So it supported all of the shortfalls that we have had across the board, and we are a self-governance tribe.

Mr. COLE. Are you class III or class II?

Ms. PIGSLEY. Class III.

Mr. COLE. Well, that is good. Congratulations on not waiting around for us to solve your problems.

Ms. PIGSLEY. We still need your help.

Mr. COLE. No, no, I am not trying to escape the obligation. I just think it is really important to do what your tribe has done, and you have to be well situated and a lot of things have to work just right, but it shows an awful lot of initiative.

And Mr. Chairman, as I know you know, when tribes do this, they almost always turn right around and invest all the money right back where you are investing your money, in education, in health care and what have you.

Ms. PIGSLEY. And all the casino money goes back to the tribe, unlike other non-tribal casinos, and so it has been tremendously successful for us.

Mr. COLE. Well, again, congratulations on the initiative, again, not to let us off the hook, but I am glad you did not wait for us either.

Ms. PIGSLEY. Thank you.

Mr. MORAN. Thank you, Mr. Cole. It is an example of why I do support Indian gaming.

But please do watch the development of the health care bill very carefully. It does sound as though that can be of assistance to you.

Ms. PIGSLEY. I was watching TV most of the day Saturday and yesterday, heard all the commentaries and I am looking forward to see how it can support tribes. Thank you

Mr. MORAN. Thank you.

The next witness will be A.T. Stafne, the chair of the Assiniboiné and Sioux Tribes of the Fort Peck Reservation.

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TUESDAY, MARCH 23, 2010.

**ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK  
RESERVATION**

**WITNESS**

**A.T. STAFNE**

Mr. STAFNE. Good morning, Chairman Moran, Congressman Cole. Thank you for providing this opportunity for Native Americans to come before you and having the patience to listen to all our problems. I am thankful for this opportunity that you have provided.

I am A.T. Stafne. I am the chairman of the Assiniboine and Sioux people, who number about 12,000 members who live on the Fort Peck Reservation, which is in northeastern Montana. The size of our reservation is about 100 miles long by 50 miles wide. It comprises over 2 million acres of land that we have there. Of the 12,000 members, we have about 6,500 that live on the reservation. The total population of the reservation is about 11,000. The other 4,500 or so people on the reservation comprise non-Indians and Indians from other tribes. So with that, we are quite a large reservation.

But first, let me say congratulations for the enactment of the health care bill. We watched that with much interest. We listened to hear Native American people in that bill but I never heard native people mentioned in that bill.

Mr. MORAN. Let's clarify that. Native Americans are fully qualified.

Mr. COLE. Actually, my chairman and I would have probably have a difference on this because I think this legislation should have been enacted separately, but basically the Indian Health Care Reauthorization Act was folded in to the total bill. So what has been a goal of ours for a very long time, it is part of this large bill that I actually favor, was reauthorization. We went since 1992 under both Republican and Democratic Congresses, quite frankly, without getting it reauthorized. So you will find full Indian health care reauthorizations in there, so there are subsections that deal specifically with the native population, and there is a good increase in funding and authority there. It sort of got lost in the larger discussion because, again, this is a trust obligation that we have but it is there, and I think you will find it very helpful going forward. Lots still to do but that is a good step in the right direction.

Mr. MORAN. First, I think it is just as well that it was not discussed because the folks who were most adamantly opposed probably would have found just one more reason to be opposed, so it is just as well it snuck in, but it is a great opportunity for all Native Americans to take advantage of it. I hope you will. Excuse me for the interruption. Go ahead.

Mr. STAFNE. And I hope since this is acted on, I hope we will certainly discuss the Indian Health Service. Basically more money is what is needed. I would like say 2 years ago when I met then-Senator Obama when he came to Montana, I told him our number one problem on Fort Peck Reservation was health. In fact, Fort Peck Reservation Tribal Council has declared health a crisis on Fort Peck Reservation. Number one was health. Number two was law enforcement. That is still our situation now. We are thankful for the increase in this year's IHS funding. That is a step again in the right direction. We are happy it is now the other way, a decrease.

At Fort Peck, when we have health problems, we go to our IHS, which operates a clinic on the reservation. Now, most of the time we do not even have doctors working at the clinic because we have

trouble attracting doctors to IHS. We see nurses, but all they do is prescribe pills, pills for inflammation and pills for pain, and that is causing many of our people to become addicted to painkillers. We recently had a drug bust, a raid made by our law enforcement department and they arrested, I think it was approximately 37 people for drug violations, selling pills illegally. So the reason for that is, we do not have a hospital on Fort Peck IHS. We do have hospitals for the city. The city has hospitals but we are not referred up there by IHS. If we have a problem, we have to come to a level 12 before they can send you out for contract health care. Level 12 means you have to be in danger of losing a limb or your life. When that happens, they call for an airplane, which from Billings, Montana, is 300 miles from where we live. The airplane comes and airlifts us out. Now, if you are in danger of losing your life, sometimes that happens on the airplane trip. And of course, that costs more money. If they could diagnose these and have more preventive-type medications, we would save a lot of money for that.

I am sorry. My time is up. Thank you.

[The statement of A.T. Stafne follows:]

**TESTIMONY OF A.T. STAFNE, CHAIRMAN  
ASSINIBOINE AND SIOUX TRIBES  
OF THE FORT PECK RESERVATION  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON INTERIOR AND RELATED AGENCIES  
MARCH 23, 2010**

On behalf of the Fort Peck Tribes, I am pleased to present testimony on the FY 2011 BIA and IHS Budget. We are a large, land-based tribe. The Fort Peck Reservation encompasses 2.09 million acres of which only 378,000 are tribally owned, with another 548,000 held as individual allotments. The Reservation population is growing and our Tribal enrollment is nearly 12,000 members. Our greatest need is health care, public safety and education. The United States must live up to its trust responsibilities to the Indian people. With the historic action by Congress to extend health insurance to an additional 32 million Americans, we hope that Congress will more closely examine the state of health care in Indian country today. The health conditions of the Nation's first Americans are substandard. My recommendations are as follows:

- Healthcare - Substantially increase funding for Tribal health programs and facilities construction and maintenance so that we may live with dignity;
- Public Safety and Education - Expand Tribal access to Federal public safety programs (police, prosecutors, corrections officers, and Tribal courts) and the facilities to house them so that we may tackle crime and public safety issues in a comprehensive manner. At the same time, expand opportunities for Tribal education to give our children a brighter future and hope;
- Economic Development and Infrastructure - Economic development and infrastructure are interconnected. Address infrastructure needs on Indian reservations by increasing funding for safe drinking and water projects, road construction and road maintenance so that we may keep our communities safe and healthy and promote economic development;
- Transparency - Direct the Bureau and IHS to develop their budgets with meaningful consultation with Tribes to reflect local, Tribal priorities, rather than federal.

The Tribes' unemployment rate on the Reservation is 57% (latest BIA Labor Force Report, 2005). Of our Tribal members who are working, approximately 43% live below the poverty level (BIA Labor Force Report, 2005). Given the enormous unemployment and poverty rates on the Reservation, our needs for both Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs and services are substantial.

The United States must assist Tribes address basic governmental services such as safe drinking water, safe streets and communities, and healthcare. More than 20 years ago, an earlier Congress noted that when there is community stability – with core governmental services being met – “Indian tribes are in the best position to implement economic development plans, taking into account the available natural resources, labor force, financial resources and markets.” If the Federal government could provide greater

assistance to us with these core governmental services, our members would be so much better off. Here are a few of our key funding requests which we ask the Congress and the Administration to support. I will address the IHS budget first, then the BIA budget.

## **I. Indian Health Service**

Indian country continues to suffer higher rates of infant mortality, teenage suicide, accident, alcoholism, diabetes, and heart disease when compared with other minorities and the general American population. Yet money directed to health care, especially preventative care – such as routine checkups and health education that clearly improves the quality of life and helps avoid more expensive health care costs in the future – has not been provided to Tribal communities. The Federal government has a trust responsibility to provide health care to Native Americans, an obligation that was paid for by the Native people of this country with millions of acres of land, resources, and our traditional way of life.

**A. Facilities Construction and Dialysis Center.** There is a desperate need for fully staffed and equipped health facilities capable of providing a full range of medical services. The IHS needs to evaluate and plan the process for new in-patient facilities in Montana, including the urgent expansion of the Fort Peck Tribal Dialysis Unit to 18 stations (from 10) or construction of a new dialysis unit. We are now at capacity, serving 33 patients six days a week, including non-Indian patients. If we cannot expand our services, these patients will have to travel long distances for this life-sustaining care.

**B. Contract Health.** We recognize the significance of the requested \$84 million increase in Contract Health Care but this increase is inadequate to address the growing health care crisis in Indian country. The Fort Peck Tribes alone need a near doubling of our inadequate Contract Health Care budget – to \$11 million – to meet the growing health demands of our more than 11,000 tribal members. Far too many members are not referred out for Contract Health Care Services that their primary health care professionals determine are medically necessary because we are at level 12. Members are told that no funds are available for Contract Health Services medical services. Patients requiring surgeries are mostly given prescriptions for pain instead of receiving Contract Health Services, which can lead to dire consequences.

I would like to provide an example of the danger of under-funding Contract Health Care. It involves our Vice-Chair, Roxann Bighorn. She suffered an injury to her knee from a fall. After several weeks her knee did not heal. She sought a referral from the IHS to obtain an MRI. Instead the IHS Clinic provided her a prescription for the pain and one for the inflammation. After several weeks on these medications, her kidneys began to falter and she was on the verge of kidney failure. One would think that after all of this she would have risen to the level of care to repair her knee. Unfortunately, that is not the case. This is unacceptable, yet it is typical in Indian Country. Please ensure that Contract Health resources are increased in the FY 2011 budget.



## II. Bureau of Indian Affairs

**A. The Fort Peck Reservation Rural Water System.** The health status of a community is directly related to the quality of water available, which is why the Fort Peck Tribes took the lead in building the Fort Peck Reservation Rural Water System, a system that will provide quality drinking water to the Reservation and surrounding communities. However, we need increased funding for the operation, maintenance and replacement (OM&R) costs associated with the System. For nearly two years, we informed the BIA that our OM&R costs would rise as our water treatment plant came on line. We request \$636,000 for FY 2011, a \$436,000 increase above the President's request.

Congress enacted the Fort Peck Reservation Rural Water System Act of 2000, Public Law 106-382, to ensure safe and adequate municipal, rural and industrial water supply to all of the residents of the Fort Peck Indian Reservation. The law directs that funding for the operation and maintenance of the water system is to be fully paid for by the BIA. The Tribes and the Bureau of Reclamation have completed construction of many components of this \$ project, including the raw water intake facility and will soon complete the water treatment facility. This means that in FY 2011 this Project will be delivering water to the largest towns on the Reservation. This will require additional training and oversight. Unfortunately, OM&R funding has not kept pace with our progress. We need an additional \$436,000 above the President's budgeted amount of \$200,000 to ensure that we can carry-out the additional certification training and oversight, security for the intake and sludge lagoon and water treatment plant operation. We have provided detailed budgets and budget narratives to the BIA explaining our OM&R program needs. The BIA has not adjusted our OM&R funding level to reflect our growing needs.

**B. Funding for Law Enforcement and Tribal Court Programs.** The need for increased law enforcement and Tribal Courts remains a priority for the Fort Peck Tribes. We greatly appreciate the increases Congress provided last year for public safety programs. These increases, however, are insufficient to fulfill the United States' basic trust responsibility in the areas of health and safety. Our Reservation needs more officers and the resources they require to patrol a large land base. This must be matched with additional resources for Tribal Courts. Congress should ensure that the \$20 million proposed increase in law enforcement funding for FY 2011 translates into more officers on the Fort Peck Reservation. More officers mean more detentions so our Tribes must have increased funding for Tribal Court personnel.

The Fort Peck Tribes' Public Safety Department currently has 22 sworn public safety officers, less than half the number needed to provide adequate coverage for our large Reservation. These officers cannot adequately patrol a 2 million acre Reservation with a population of over 11,000 and a high incidence of substance abuse and violent crimes. A survey of current officers has shown that they will not continue to work for the Tribes under conditions where they must patrol alone, respond to calls without backup, and work longer hours for the same or less pay. I hope that Congress will provide

adequate resources so that Indian communities, especially rural communities like Fort Peck, can recruit and retain public safety officers.

An independent "Gap Analysis" study prepared in 2006 for the BIA's Office of Law Enforcement Services confirms the glaring shortage of law enforcement officers in Indian country. The BIA's Office of Law Enforcement Services divides Indian country into six Districts. Montana is located in District 5. In 2006, District 5 had 87 law enforcement officers, including criminal investigators and telecommunication operators. To reach the recommended level of 3.3 law enforcement officers per 1000 population, District 5 would need to increase its law enforcement personnel by 135 to reach 222 law enforcement officers. Of this amount, 111 or 50% would be police officers. Unlike far less violent non-Indian communities, which have on average 2.9 officers to every 1,000 inhabitants, Indian country averages about 1.3 officers for every 1,000 inhabitants. The Gap Analysis revealed that BIA District 5 is at 39% capacity for law enforcement. That is one of the primary reasons our crime statistics are so high.

On the seven reservations in Montana for the two-year period of 2004-05 (the period for which we have the most complete data), there were 10 murders, 62 forcible rapes, 1,147 aggravated assaults and 529 burglaries. In 2007, the Tribes' Public Safety Department was responsible for addressing 3,956 offenses committed on the Fort Peck Reservation, including 595 violent or serious offenses and 1,004 juvenile offenses. During FY 2009, the Court processed 3,247 criminal cases; 1,512 delinquency/status offenses, 535 civil actions, and 757 family court cases. Indian Country needs more resources in every area of law enforcement from police staffing, tribal courts, detention, and equipment. The Tribes already subsidize the Tribal Courts budget at the level of 73%.

I would be remiss if I did not also call for increased funding for detention facilities, for both operations and construction. The Fort Peck Tribes received a \$1.0 million stimulus grant from the Department of Justice to rebuild our detention facilities. We are excited about this and are now in the process of implementing this grant. However, this new facility will require additional staffing and maintenance funding to ensure that the new facility is properly maintained. By industry standards we will need to double our detention personnel.

**C. Education.** As President Obama has stated, education is the key to lift people out of poverty and put them on the road to success. But we must have healthy communities to raise our children in and they must be given the resources to overcome the ills of poverty. We need the resources to address our high drop out rates and poor school attendance. There are too few educational, recreational, and constructive social outlets available to our Tribal youth. Without addressing these funding shortfalls we will continue to experience unacceptable levels of juvenile delinquency, substance abuse, suicide and violence.

Thank you for providing me the opportunity to present the views of the Fort Peck Tribes.

Mr. MORAN. Well, good for you. Thank you. This is a large reservation, and I am glad that President Obama is aware of it and of your needs. I hope some of them will be met directly from the new health care authorization, but clearly there are others in the area of public safety and economic development.

Mr. Cole.

Mr. COLE. Yes, just for the record, so you know, the Indian health care reauthorization was actually passed by the Senate in the last session of Congress. We held it up here in the House, and it had bipartisan support. It moved actually through the Resources Committee very quickly, got hung up two sessions ago actually, got hung up in E&C at the subcommittee level, finally got through the Senate last time. Then frankly what happened here is, we made a decision that we did not want to have a debate over abortion before an election, and so we had to start all over again. That is why this got put in this particular vehicle. So again, just for the record, Mr. Chairman, neither party has a whole lot to be proud of in the way we have handled the Indian Health Service. I am certainly willing to take my party's share of the blame. But the important thing, and you made this point, is that it is done. It moved through. It is a movement in the right direction. But the basic problem has been, again, both parties historically underfunding these services, which they are obligated to provide by treaty. So we look forward to working with you because I know the challenges in reservations this size and population bases this small, and getting doctors to come is a challenge. It is the same problem that you have in the inner city, really. It is exactly the same thing. You have got a relatively poor population. You do not have a lot of opportunities for professionals in the financial sense. They have to be awfully dedicated to go there. We probably do not pay them enough, either, you know, from our end of this deal, but the needs are very great. So anyway, thanks for what you are doing.

Just by way of a question, I made a long statement here—again, you are in a very sparsely populated area. What sorts of economic activities do you have? Do you have the potential from your standpoint to engage beyond timber? I think it is always good to get in the record what the unemployment rate is in a particular area because it really gives us a quick short on how many challenges you face across the board.

Mr. STAFNE. Well, the unemployment rate depends on what report you read. I have seen it from 53, 57 percent to 70 percent.

Mr. COLE. Well, if 53 is the good number, I do not think anybody on this panel will regard that as a good result.

Mr. STAFNE. And our resources, this is mainly a cattle and farming area and we have a farm and ranch and we also have limited oil activity, so that is our income.

Mr. COLE. Thank you very much.

Mr. STAFNE. Thank you, sir.

Mr. MORAN. Thank you, Mr. Stafne. Thank you very much.

Next we will hear from Patricia Whitefoot, the president of the National Indian Education Association.

TUESDAY, MARCH 23, 2010.

**NATIONAL INDIAN EDUCATION ASSOCIATION****WITNESS****PATRICIA L. WHITEFOOT**

Ms. WHITEFOOT. Good morning, Mr. Chairman, members of the Committee. I am Patricia Whitefoot, a member of the Yakama Nation from south central Washington, and I want to say I appreciate the opportunity to submit testimony on behalf of the National Indian Education Association.

The Association was founded in 1970, and NIEA is the largest native education organization in the Nation with a membership of over 3,000 individuals who are American Indian, Alaska Native and Native Hawaiian educators, tribal leaders, school administrators, teachers, elders, parents and students.

Since the release of the 1969 Senate Kennedy report documenting the problems in Indian education, Indian communities have realized greater participation and control of programs in schools. However, in Indian education we still face enormous challenges including severe underfunding. For too many of our students in schools, we continue to experience abject failure. A study released last month by the Civil Rights Project at the University of California at Los Angeles Graduate School of Education and Information Studies found that less than 50 percent of American Indian and Alaska Native students in 12 states graduate from high school.

Mr. MORAN. Can you repeat that more slowly?

Ms. WHITEFOOT. Okay. I am sorry.

Mr. MORAN. No, it is just I wanted everyone to hear that.

Ms. WHITEFOOT. Just this last month in February, UCLA's Graduate School of Education and Information Studies found that less than 50 percent of American Indian and Alaska Native students in 12 states graduate from high school, a statistic that sadly also applies on a national level and has held steady over the past decade.

In addition, schools serving native students within the Bureau of Indian Education System continue to struggle to meet AYP with only 24.4 percent of BIE schools meeting AYP as compared to almost 70 percent of schools nationally. These statistics only serve to reaffirm the need for systemic reform of education programs in schools serving native students.

NIEA is requesting \$660.96 million for fiscal year 2011, which includes new program funding and a modest 5 percent increase for BIE's programs. This includes funding for the elementary and secondary education programs, education management, an increase of \$25 million allocation for student transportation, and a \$5 million allocation to provide technical assistance to schools to develop their own standards and assessments. Schools currently have to use classroom dollars to transport their students to make up for the transportation funding shortfall. During the school year, BIE-funded school buses will travel nearly 15 million miles, often over gravel or dirt roads. The Little Wound School, located on the Pine Ridge Reservation in South Dakota, runs 13 bus routes each day during which the buses travel an average 1,600 miles per school day total-

ing 268,000 miles annually for regular bus runs, not including activity runs.

For Indian school construction and repair, NIEA requests \$263.4 million. In May of 2007, the Office of Inspector General, Department of Interior, issued a flash report that describes the conditions at BIE schools that require immediate action to protect the health and safety of students and faculty. In his conclusion, the Inspector General states that the failure to mitigate these conditions will likely cause injury or death to children and school employees. NIEA is also requesting report language requiring the Department of the Interior report on the status of the schools listed on the BIE's construction list, the use of funding for Indian school construction and a timeline for completion of projects currently on the list.

NIEA is also requesting \$24 million for the Johnson-O'Malley program funded at Bureau of Indian Affairs. JOM grants are the cornerstone for many Indian communities in meeting the unique and specialized needs of native students, as you heard previously.

Our tribal educational departments provide tribes with the opportunity to become actively involved in the education of their children. Despite an authorization under NCLB and several other prior statutes, federal funds have never been appropriated for tribal education departments. Therefore, NIEA is requesting that the Department of the Interior fund tribal education departments at \$5 million.

In closing, Mr. Chairman, members of the Committee, I would like to just echo the expressions made by the tribal leadership. I fully support all of the congratulations that people provided for the Committee on the health care legislation. However, we want to make certain that those needs are also impacting students in our schools where we work from preschool to higher education, attention is needed, and on behalf of NIEA, I would like to thank the Committee for its support on behalf of native communities. With your support, we are hopeful we can begin to provide the funding for education that native communities deserve. Thank you.

[The statement of Patricia L. Whitefoot follows:]



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Testimony of Patricia K. Whitefoot, President, National Indian Education Association  
 before the House Subcommittee on Interior Appropriations  
 on the President's FY 2011 Budget Request  
 March 23, 2010

Mr. Chairman and Members of the House Subcommittee on Interior Appropriations, thank you for this opportunity to submit testimony on behalf of the National Indian Education Association with regard to the President Obama's FY 2011 budget request.

Founded in 1970, NIEA is the largest Native education organization in the nation with a membership of over 3,000 American Indian, Alaska Native and Native Hawaiian educators, tribal leaders, school administrators, teachers, elders, parents, and students.

Since the release of the 1969 Senate Kennedy Report documenting the problems in Indian education, Indian communities have realized greater participation in and control of programs and schools, including funding for culturally related academic programs. The Indian Education Act of 1972, the 1978 Tribal College Act, the passage of the Native American Language Act and more recently, the 2006 Esther Martinez Language Immersion and Restoration Act have supported the maintenance and promotion of Native language; combined they all represent critical components for creating greater access to culturally relevant education for increasing academic achievement for Native students.

Native education, however, still faces enormous challenges, including severe underfunding. Far too many of our students and schools continue to experience abject failure. A study released this month, February 2010, by The Civil Rights Project at the UCLA Graduate School of Education and Information Studies found that less than 50 percent of American Indian and Alaska Native students in twelve (12) states graduate from high school,<sup>1</sup> a statistic that sadly also applies on a national level and has held steady over the past decade. In addition, schools serving Native students within the Bureau of Education (BIE) system continue to struggle to meet AYP, with only 24.4% of BIE schools meeting AYP, as compared to almost 70% of schools nationally. These statistics only serve to reaffirm the need for systemic reform of education programs and schools serving Native students.

NIEA understands the difficult economic situation our nation confronts; however, Native communities have long experienced the highest rates of poverty, unemployment, morbidity, and substandard housing, education, and health care. In his address to Indian Country and "Principles for Stronger Tribal Communities" President Barack Obama made a commitment to honor "obligations to Native Americans by providing tribes with the educational resources promised by treaty and federal law." Included in President Obama's principles are stronger support and funding for Native language and cultural curriculum, funding for Indian school construction and repairs, and increased funding for tribal colleges' operation and construction. NIEA believes that with President Obama's pledge affirming tribal sovereignty through stronger funding for educational programs, we will begin to see positive changes in Native students' educational attainment.

There are only two educational systems for which the federal government has direct responsibility: the Department of Defense Schools and federally and tribally operated schools that serve American Indian students.

<sup>1</sup> These states are California, Oklahoma, Arizona, New Mexico, Alaska, Washington, South Dakota, Montana, Oregon, North Dakota, Idaho, and Wyoming. Please see Faircloth, Susan C., & Tippeconnic, III, John W. (2010). *The Dropout/Graduation Rate Crisis Among American Indian and Alaska Native Students: Failure to Respond Places the Future of Native Peoples at Risk* at [www.civilrightsproject.ucla.edu](http://www.civilrightsproject.ucla.edu)

The federally supported Indian education system includes 48,000 students, 28 tribal colleges, universities and two BIE post-secondary schools.

Under DOI, BIA's budget has historically been inadequate to meet the needs of Native Americans, consequently; our needs over time have multiplied. NIEA is requesting an amount of \$660.96 million, which includes new program funding and a modest 5% increase over the proposed amount for BIE schools. This includes funding for the elementary and secondary education programs, education management, and allocations for student transportation (\$25 million), and to provide technical assistance to schools to develop their own standards and assessments (\$5 million).

**BIE and AYP-** For the past three school years, only 30% of BIE schools made AYP goals established by the state in which the school was located. Department of Education statistics indicate that student performance at BIE schools is lower than students at public schools. In response to the lack of performance at BIE schools, DOI has launched the Improving Indian Education Initiative to help BIE students meet AYP under NCLB. NIEA commends BIE for this effort and hopes to see positive gains in BIE student academic achievement as a result and supports funding for the Initiative in the amount **\$28 million, which is consistent with a 5% increase** from funding received in FY 2009 and FY 2008.<sup>2</sup>

**Transportation** - NIEA is requesting **increased funding in the amount of \$25 million for school transportation** so schools won't have to use classroom dollars to transport their students. Student transportation impacts student attendance and the ability of school districts to offer educational programs. BIE provides extensive student transportation required of largely rural and widely dispersed school service populations. According to the FY 2009 DOI Budget Request, Departmental Highlights, during the current school year, BIE-funded school buses will travel nearly 15 million miles, often over gravel or dirt roads. As reported by a witness during the session NIEA held in Rapid City, South Dakota, the Little Wound School, located on the Pine Ridge Reservation in South Dakota, runs thirteen bus routes each day during which the buses travel on average, 1,575 miles per school day totaling 267,750 miles annually for "regular bus runs not including activity runs."<sup>3</sup> Navajo Nation's Black Mesa Community School Principal Marie Rose testified that "students ride the bus four hours a day. However, when it rains or snows the average bus ride is seven hours a day, if the roads are in drivable condition, which many times they are not."<sup>4</sup>

**Indian School Construction Funding** - NIEA requests a **\$134.56 million increase** over the FY 2009 omnibus level of \$128.837 million for a total of \$263.4 million in FY 2010 to the BIA for Indian school construction and repair. After FY 2005, the funding levels have dramatically decreased for this critical program. NIEA seeks \$263.4 million because this was the funding level in FY 2005, which was instrumental in reducing the construction and repair backlog. BIA's budget has historically been inadequate to meet the needs of Native Americans and, consequently, Indian school needs have multiplied. The Recovery Act did provide \$450 million to be shared among BIA school construction and repairs, detention facilities, roads, and irrigation projects, however this funding will provide little headway considering the lengthy list of schools waiting to build and repair their facilities.

NIEA is also requesting report language requiring the Department of the Interior report on the status of the schools listed on the BIE construction list, the use of funding for Indian school construction, a timeline on when the current construction list will be updated, and time line for completion of projects currently on the list. In 1997, GAO issued a report, "Reported Condition and Costs to Repair Schools Funded by the Bureau of Indian

<sup>2</sup> The Improving Indian Education Initiative was launched in FY2008 and funded at \$25 million. The FY 2009 budget request was \$26.4 million. NIEA's \$28 million for this program is included in the \$660.96 million NIEA is requesting for BIE schools.

<sup>3</sup> Bureau of Indian Affairs and Bureau of Indian Education Transportation Cost Funding: Hearings before the National Indian Education Association, Rapid City, SD, (July 10, 2008) (testimony of Janice Richards, President, Little Wound School).

<sup>4</sup> Bureau of Indian Affairs and Bureau of Indian Education: Hearings before the National Indian Education Association, Window Rock, AZ (August 21, 2008) (testimony of Marie Rose, Black Mesa Community School Principal, Navajo Nation).

Affairs," that documented an inventory of repair needs for education facilities totaling \$754 million. In 2004 the backlog for construction and repair was reported to have grown to \$942 million.

More recently, in March of 2008, the Consensus Building Institute (CBI) with the U.S. Institute for Environmental Conflict Resolution issued a *Final Convening Report: Negotiated Rulemaking Committee on Bureau of Indian Affairs- Funded Schools Facilities Construction*. CBI reported in their findings of the conditions of the schools that "many schools are ill equipped for the information age," "security needs and related funding are major sources of concern for many schools," "aging or poor design may lead to a substandard educational environment," "operation and maintenance needs are not matched by operation and maintenance annual funding," and "overcrowding is a major concern and a source of accelerating physical decline."<sup>5</sup> Additionally, the report stated in the findings that the Facility Management Information System (FMIS) doesn't sufficiently allow for educational programming needs, including libraries, adequately sized classrooms and gymnasiums, wiring to allow for technological needs and partitions and noise reducing walls.<sup>6</sup>

In May of 2007, the Office of the Inspector General, Department of Interior, issued *Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action*, a flash report that describes the conditions at BIE schools that require "immediate action to protect the health and safety of students and faculty." Although the Inspector General visited thirteen schools as part of their investigation, four schools were highlighted in the flash report -- Chinle Boarding School, Shonto Preparatory School, Keams Canyon School, and the Kayenta Boarding School. In the report, the Inspector General cites deterioration ranging from "minor deficiencies such as leaking roofs to severe deficiencies such as classroom walls buckling and separating from their foundation." In his conclusion, the Inspector General states that the "failure to mitigate these conditions **will likely cause injury or death to children** and school employees." This flash report describes the alarming and life threatening situation at BIE schools that the federal government has created in its failure to properly maintain these schools.

The purpose of education construction is to permit BIE to provide structurally sound buildings in which Native American children can learn without leaking roofs and peeling paint. It is unjust to expect our students to succeed academically when we fail to provide them with a proper environment to achieve success.

**Indian Education Facilities Improvement and Repair Funding-** The continued deterioration of facilities on Indian land is not only a federal responsibility; it has become a liability of the federal government. Old and exceeding their life expectancy by decades, BIE schools require consistent increases in facilities maintenance without offsetting decreases in other programs, if 48,000 Indian students are to be educated in structurally sound schools.

Of the 4,495 education buildings in the BIE inventory, half are more than 30 years old and more than twenty percent (20%) are older than fifty years. On average, BIE education buildings are 60 years old; while, 40 years is the average age for public schools serving the general population. Sixty-five percent (65%) of BIE school administrators report the physical condition of one or more school buildings as inadequate. Although education construction has improved dramatically over the last few years, the deferred maintenance backlog is still estimated to be over \$500 million and increases annually by \$56.5 million. As noted by the House Interior Appropriations Subcommittee in its Committee Report accompanying the FY 2006 Interior appropriations bill, "much remains to be done." Of the 184 BIE Indian schools, 1/3 of Indian schools are in poor condition and in need of either replacement or substantial repair.

**Johnson O'Malley Funding-** NIEA and the National Johnson O'Malley Association urge the Congress to fully restore JOM to the FY 2006 enacted level of \$24 million. JOM does meet the focused goal of academic

<sup>5</sup> The Consensus Building Institute with the U.S. Institute for Environmental Conflict Resolution (March 5, 2008). *Final Convening Report: Negotiated Rulemaking Committee on Bureau of Indian Affairs - Funded School Facilities Construction*, pp. 16-18.

<sup>6</sup> *Ibid.*, p. 19.



achievement and there are volumes of information available demonstrating its exponentially positive impacts on Native students.

JOM grants are the cornerstone for many Indian communities in meeting the unique and specialized educational needs of Native students who attend public schools. Many Indian children live in rural or remote areas with high rates of poverty and unemployment. JOM helps to level the field by providing Indian students with programs that help them stay in school and attain academic success. Even though JOM funding is extremely limited due to BIA budget constraints, it is being used across the country in a variety of basic as well as innovative ways to assist Indian students to achieve academically.

JOM funding provides vital programs designed to build self-esteem, confidence, and cultural awareness so that Indian students may develop and mature to become productive and contributing citizens within their communities and society respectively. For example, JOM funds help students achieve and succeed by providing such services as: eyeglasses and contacts, resume counseling, college counseling, culturally based tutoring, summer school, scholastic testing fees, school supplies, transition programs, musical instruments, Native youth leadership programs, student incentive programs, financial aid counseling, fees for athletic equipment and activities, caps and gowns, art and writing competitions, etc. Other programs administered by the federal government, such as NCLB funding at the Department of Education, do not allow funding for these types of activities.

In 1995, a freeze was imposed on JOM funding, the freeze prohibits additional tribes from receiving JOM funding and does not recognize increased costs due to inflation and accounting for population growth. NIEA urges that the JOM funding freeze be lifted and that other formula-driven and head count-based grants be analyzed to ensure that tribes are receiving funding for their student populations at a level that will provide access to a high quality education.

***Tribal Colleges and Universities-*** Funding for Tribal Colleges and Universities (TCUs) through the BIE includes TCUs funded under three titles of the Tribally Controlled Colleges and Universities Assistance Act of 1978, and two BIE Post-secondary Institutions. Additionally, the BIE administers a scholarship program for Indian students, many of whom attend Tribal Colleges and Universities. NIEA is very pleased that President Obama's Fiscal Year 2011 budget provides increased funding for American Indian scholarships and forward funding of \$50 million that was enacted during FY10 for the Tribal Colleges and Universities, which will allow them to plan in advance for the next academic year and provide greater financial security. NIEA requests additional funding for FY 2011 budget for the Tribal Colleges and Universities that receive their institutional operations funds through the Bureau of Indian Education. NIEA requests the following levels of funding for the programs under the Tribal College Act: Title I - \$63.2 million, 26 TCUs; Title II - \$13 million, Dine College; Title III - \$2 million, Endowments; Title V - \$10 million, United Tribes Technical College & Navajo Technical College.

***Tribal Education Departments-*** As mandated in many treaties and as authorized in several federal statutes, the education of Indian children is an important role of Indian tribes. Tribal Education Departments (TED) provide tribes with the opportunities to become actively involved in the education of their children. Despite this authorization and several other prior statutes, federal funds have never been appropriated for TEDs. The use of TEDs would increase tribal accountability and responsibility for their students and would ensure that tribes exercise their commitment to improve the education of their youngest members. NIEA is requesting that DOI fund TEDs at \$5 million, which is a very modest request which would yield exponentially positive benefits for Indian students and provide tribes with increased input over the education of their children.

#### Conclusion

NIEA thanks the Committee for its tremendous efforts on behalf of Native communities. With your support we are hopeful that we can begin to provide the funding for education that Native communities deserve.

Mr. MORAN. Thank you very much. I appreciate that, Ms. Whitefoot.

Mr. Cole.

Mr. COLE. Thank you, Mr. Chairman. Just a couple quick questions. One, that, usually, when I deal with the impact aid, it is in connection with a large military installation, but I, you know, obviously, there is impact aid for—

Ms. WHITEFOOT. Exactly.

Mr. COLE. Tribal, too. Can you give me an idea of whether or not we are anywhere close to adequate, in terms of impact aid flowing to schools where there are significant native populations?

Ms. WHITEFOOT. Right. I worked in a public school as a teacher, educator, administrator. And in the school district where I work, we have an Indian education program and, of course, with our Indian education parent committees, we participate in the policy recommendations for the school district, to provide the necessary services in the community. When we take a look at the funding, and I participate in the impact aid conferences over the years, impact aid just continues to be underfunded, as well. And I would say, for the military community, too. I also have grandchildren that are in the military community, and are directly impacted by the impact aid funding, as well. That is not just those impact aid funds that are available on reservations or, where federal installations are.

Mr. COLE. And let me ask you this, too. I have never seen the statistic on this, and I thought, given your background, you might know. Is there any sort of estimate on what tribes themselves, out of their own economic activities, invest back? We have had a number of people testify about the number of their children that they are giving scholarships to, you know, how significant is this for tribes, in terms of when they have got money, putting it right back in there?

Ms. WHITEFOOT. Well, I appreciate, Chairman Pigsley and the work that she has done. And of course, being from the Northwest, we all communicate with one another and learn from one another about what tribes are doing, in terms of education, and just comprehensive needs for children.

In our case, I am from the Yakima Nation in Washington, and recently, our tribe has taken the casino funds, and put it back into public education with our children. We serve 26 school districts in South Central Washington, including along the Oregon border, and currently, I am in conversations with our tribe about making certain that those tribes reach the children from preschool to higher education, and we are still in deliberation right now on that, but that is to go directly back to the students that are currently in education, from preschool to higher education.

Mr. COLE. Last question. I am very curious about your thoughts as an educator: We really have two subsets of kids here, ones that are being educated at the BIE schools, and a much larger group, obviously, that are in the normal, regular public school system.

What is the best way to use funds that are available, whether it is impact aid, Johnson-O'Malley, tribally directed funds, to help kids, which is a great majority of Native American children, that are going to non-native schools, do better? I mean, what are the

types of things, the ways in which that money ought to be deployed?

Ms. WHITEFOOT. Well, the works that we do at NIEA, of course, includes occupational and professional development programs, administration programs to have native people working in those school systems, and I think through programs like Head Start, which I have managed over the years, when you work with professionals that are coming from your community, you work with those individuals so that they, one day, will become a teacher, and then, come back into the public education system.

But I also think it is important that, at the local level, that parents be involved in those decision-making processes, as well as the tribal government, and that tribal control is important, just like local control of public education.

And I think we need to take a look at the education system, systematically from preschool, from birth to lifelong learning. And the more that we could get the community involved and, as I said, parents and volunteers in our community, and that we take them through a career development program, I have witnessed and experienced the benefits, that have been able to address some of the issues and problems that were expressed here today.

Mr. COLE. Well, I know Secretary Salazar and Secretary Echo Hawk are putting—

Ms. WHITEFOOT. Thank you. Thank you.

Mr. COLE. And I think appropriately so, a great deal of emphasis on tribal empowerment.

Ms. WHITEFOOT. Both of them, right.

Mr. COLE. And it is so critical that tribes have a direct say-so.

Ms. WHITEFOOT. Exactly.

Mr. COLE. In the education of their kids. I mean, it brings the responsibility down to the local level. It pulls the parents in.

Ms. WHITEFOOT. Exactly.

Mr. COLE. And it makes an enormous difference in the lives of individual children.

Ms. WHITEFOOT. And I agree, and having met with Secretary Salazar, and both he and Duncan and their staff people, I agree with that. Thank you.

Mr. COLE. Thank you. And thank you very much, Mr. Chairman.

Mr. MORAN. Thank you, Mr. Cole. Thank you very much, Ms. Whitefoot. Appreciate the testimony. Next, we will hear from Joe Durglo, the President of the Intertribal Timber Council of Oregon. Mr. Durglo.

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TUESDAY, MARCH 23, 2010.

## INTERTRIBAL TIMBER COUNCIL (OREGON)

### WITNESS

#### JOE DURGLO

Mr. DURGLO. Good morning, Mr. Chairman, and members of the subcommittee. My name is Joe Durglo. I am the Vice Chairman of the Confederated Salish & Kootenai Tribes, and President of the

Intertribal Timber Council, an organization of 70 tribes that collectively possess most of the 18 million acres that BIA holds in trust.

I appreciate the opportunity to testify today, because the BIA Forestry is in trouble, and needs this subcommittee's attention. Over the past two years, ITC testified that 1993 and 2003 independent reports noted that BIA Forestry receives only about one third the per-acre funding provided the U.S. Forest Service, and that BIA Forestry needs \$120 million increase to achieve parity.

A review of the federal forestry budgets from Fiscal Year 2004 to Fiscal Year 2009 showed that Forest Service forest products and BLM public domain forest management budgets increase 26 percent, while at the same time, BIA tribal priority allocation forestry budgets, which provides similar services, increased only 3.8 percent. Inflation over the same period went up 14.1 percent.

Such a disparate treatment of Indian forestry funding is neither fair, nor does it comply with the federal trust responsibility. It is hurting the health of our forests, the economies of our communities, and our governments' abilities to meet the basic needs of our people. To correct this, and put BIA forestry on a path toward equality, with funding of other federal forestry programs, the Intertribal Timber Council requests the following.

First, as a general matter, reject the BIA's proposed absorption of fixed cost increases. Then, increase BIA PPA forestry to \$31.2 million, which will be equal to those increases for the U.S. Forest Services and the BLM from 2004 to 2009.

Second, BIA forestry projects funding has fallen from \$18.5 million in Fiscal Year 2005 to \$17.7 million proposed for fiscal year 2011. Projects cover essential functions, like management planning, woodlands, integrated resource management plans, and forest development. An \$8 million increase is needed, with \$5 million dedicated to reducing the forest development, thinning, and planting backlog.

Third, on a considerably bolder note, with Indian reservation unemployment at about 50 percent nationwide, we urge \$151 million for a two year tribal forest restoration project, for 3,125 Native American green jobs, doing thinning and planting on trust forestland to reduce the backlog by half. These jobs can hire a great range of people, including entry-level. They are quick to train. They will help the forests' health, capture carbon, and help climate change adaptation, and help the trust responsibility. We urge you to give this serious consideration.

Fourth, for BIA endangered species, increase funding to \$4.7 million, so the BIA gets the same per-acre funding as BLM. Fifth, we ask the committee to direct the BIA and the Forest Service to draw up a plan, with tribes and the Intertribal Timber Council, to preserve tribal forestry and mill infrastructure. Sawmills are disappearing across America, and tribal mills, because they are so important to tribal communities, are among the last to close. Without them, timber and other forest materials cannot be processed. Their retention is essential. We ask that a federal tribal plan be developed and be reported back to this committee in six months.

Finally, for interior wildland fire management, we ask that preparedness be funded equal to the Forest Service. The Department of the Interior and the U.S. Forest Service fire cost accounting be

standardized, and that \$44 million be restored for field removal, and that for Indian trust land, it be prioritized, and not prioritized to the Wildland Urban Interface, and that fire 638 indirect costs come from the BIA in the right cost pool.

Thank you, Mr. Chairman.

[The statement of Joe Durglo follows:]

**TESTIMONY OF JOE DURGLO, PRESIDENT,  
INTERTRIBAL TIMBER COUNCIL, PRESENTED TO THE  
HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE INTERIOR,  
ENVIRONMENT, AND RELATED AGENCIES ON  
FY 2011 APPROPRIATIONS FOR THE B.I.A. AND DoI WILDLAND FIRE  
MANAGEMENT,  
MARCH 23, 2010**

**Summary**

Mr. Chairman, I am Joe Durglo, President of the Intertribal Timber Council and Vice Chairman of the Confederated Salish and Kootenai Tribes. I offer the following recommendations for FY 2011 Indian forestry-related activities in the Bureau of Indian Affairs (BIA) and Department of Interior Office of Wildland Fire Management:

- 1) In BIA Natural Resources Management, increase BIA TPA Forestry to at least \$31.2 million to bring funding on a par with that provided for similar forestry programs in other federal agencies.
- 2) In BIA Natural Resources Management Forestry Projects, provide an increase of \$8 million, including a \$5 million increase for Forest Development.
- 3) In BIA Natural Resources Forestry Projects, provide \$151 million to support 3,125 Native American jobs in Forest Restoration projects that will reduce backlogs for reforestation by 50%.
- 4) In BIA Natural Resources Management, provide \$4.7 million for ESA to enable timber sales and forest management treatments to proceed.
- 5) In BIA Economic Development, direct BIA and USFS to develop a program to preserve tribal processing, harvesting, transportation, and professional infrastructure.
- 6) For DoI Wildland Fire Management: 1) fund preparedness equal to USFS, 2) standardize DoI and USFS fire cost accounting, 3) restore \$44 million to fuels funding and allow its application to all Indian trust forest land, not primarily the WUI, and 4) direct fire 638 indirect costs to the BIA indirect cost pool.

**Intertribal Timber Council background.**

The Intertribal Timber Council (ITC) is a 34 year old association of 70 forest owning tribes and Alaska Native organizations that collectively manage more than 90% of the 18 million acres of timberland and woodland that are under BIA trust management. These lands provide vitally important habitat for fish and wildlife, cultural and spiritual sites, recreation and subsistence uses, and through commercial forestry, income for the tribes and jobs for their members. In Alaska, the forests of Native corporations and thousands of individual allotments are equally important to their owners. To all our membership, our forests and woodlands are essential to our physical, cultural, and economic well-being, and their proper management is our foremost concern.

**1) In BIA Natural Resources Management, increase BIA TPA Forestry to at least \$31.2 million to bring funding levels on a par with those provided for similar forestry programs of other federal agencies.**

Mr. Chairman, in past hearings of this Subcommittee, the ITC has testified that both the 1993 and 2003 Reports of the Indian Forest Management Assessment Team (IFMAT, an independent, expert blue ribbon panel) have documented that BIA Forestry, on a per-acre basis, receives only about one third the federal funding of U.S. Forest Service National Forests. According to the 2003 IFMAT Report, an additional \$120 million in annual appropriations is needed for BIA Forestry to receive per-acre funding equality with that provided for management of USFS National Forests.

From FY 2004 through FY 2009, appropriations for the BLM Public Domain Forest Management and U.S. Forest Service Forest Products budgets rose by 26.6% and 25.5%, respectively. Those programs provide basic timber harvest administration for those agencies, much like the BIA's Tribal Priority Allocation Forestry budget. In comparison, during the same period, federal appropriations for BIA TPA Forestry increased only 3.8%. Inflation alone during the period rose 14.1%. The BIA Forestry program's effectiveness has diminished by about 10% during that time as a result. Since then, inflation has further eroded the Forestry program's purchasing power.

It is important to bear in mind that, tribal governments and communities rely on timber for revenue and jobs. Tribal forests remain among the hardest working in the country, generating an estimated 2008 harvest of 500 million board feet, or about two and a half times the per-acre production of the U.S. Forest Service. Tribal forests are crucial to protection of traditional foods, medicines, fuels, soils, water supplies, fish and wildlife habitat, and provide a multitude of other ecological services to benefit tribal and non-tribal communities. The health of forests and woodlands is central to the health of many tribal communities nationwide. But tribal forests are deteriorating due to threats of insects, disease, wildfire, and climate change. The United States has a fiduciary trust responsibility to protect the productivity of tribal forests, but the Administration has chronically failed to request adequate support for management of these crucial trust resources.

For FY 2011, the Administration proposes to hold the BIA TPA Forestry budget flat, and then reduce it by assumed savings of \$135,000 for reduced travel, strategic sourcing, and IT consolidation, and absorb mandatory fixed cost increases from program funds. These reductions represent general budget cuts that will eat away at funds available to support tribal services and protect trust assets.

The ITC urges that the Committee reject the BIA's proposed absorption of fixed cost increases and increase the BIA TPA Forestry to at least \$31.2 million, which reflects the same increases for BIA Forestry as those provided USFS Forest Products and BLM Public Domain Forest Management between FY 2004 and FY 2009.

**2) In BIA Natural Resources Management Forest Projects, provide an increase of \$8 million, including a \$5 million increase for Forest Development.**

The Administration's FY 2011 BIA Forestry Projects request of \$17.7 million extends the pattern of outright budget decline for BIA Forestry Projects since FY 2005, when \$18.5 million was appropriated. The Forestry Projects budget funds essential forest activities, including management inventories and planning, woodland management, Integrated Resource Management Plans, and Forest Development. The ITC requests that FY2011 funding for BIA Forestry Projects be increased by \$8 million, with \$5 million of that added to Forest Development. Currently, about one-sixth of the Indian trust

commercial forest needs replanting or thinning. In FY 2005, the BIA Forest Development budget treated 58,000 acres; BIA's treatment target for FY 2009 was reduced by more than 10% to 52,000 acres. A \$5 million increase for FY 2011 will enable an additional 30,000 acres to be treated, increase Indian timber harvest and value, improve forest health, contribute to carbon sequestration, and produce woody biomass to advance the Nation's renewable energy initiatives.

**3) In BIA Natural Resources Management Forestry Projects, provide up to \$151 million to support 3,125 Native American jobs in Forest Restoration projects.**

Mr. Chairman, as the Congress considers various approaches to getting Americans back to work, we propose a \$151 million two-year Indian Forest Restoration program to create 3,125 Indian green jobs and halve the backlog of tribal forests needing replanting, thinning, or restoration.

Indian reservations are experiencing an unemployment rate of approximately 50%. Construction work, the customary approach for trying to generate employment in Indian Country, tends to be expensive and engage a limited number of reservation residents because of the lack of required skill sets. In contrast, our proposed program of putting people to work in the tribal forests is quicker, engages a broader range of job seekers, and yields green benefits both immediately and decades into the future.

Much of the 18 million Indian trust forest acres nationwide need treatments for forest health and restoration, including a backlog of 900,000 acres on the 5.7 million acres of commercial forests held in trust. At an average cost of about \$300 an acre, a \$151 million increase to the BIA Forest Projects budget for Forest Restoration (\$135 million for wages, \$16 million for training, equipment and transportation) would hire and equip 3,125 reservation-based jobs for tribal communities and eliminate about half the backlog (450,000 acres) over a two year period. The project is scalable, but would need to be carried out over a two year period to plan, produce and plant seedlings, and because tribal manpower constraints would preclude completing the projected restoration acreage in a single year. In sum, this project, would –

- Immediately create a labor-intensive environmental restoration effort that would draw upon a wide range of skill and training levels readily available in tribal communities. Any training requirements could be accomplished in less than one week, putting people to work almost immediately.
- Diminish forest fuels, reducing the prospect of catastrophic fire and carbon release,
- Accelerate growth and carbon capture in remaining large and small trees, as well as newly planted trees, and facilitate adaptive climate change forest management,
- Improve the long-term economic value and health of tribal forests while generating biomass for immediate economic utilization, and
- help fulfill the federal trust responsibility to protect the productivity of trust assets.

We urge the Committee to give full consideration to this proposal; it is sorely needed to address problems of high unemployment in tribal communities while helping to restore the health and productivity of Indian forests.

**4) In BIA Natural Resources Management, provide \$4.7 million for ESA.**

For FY 2010, we ask that BIA Endangered Species be funded at least at \$4.7 million to provide funding for BIA ESA at the same levels as that for BLM (\$21.7



million provided for BLM ESA in FY 2009, representing 8.4 cents per acre for BLM's 258 million acres, applied to BIA's 56 million acres).

**5) In BIA Economic Development, establish a program to preserve tribal forest infrastructure.**

Today, lumber mills all around the U.S. are disappearing. Tribes, too, are struggling to keep their forest management and milling operations alive. Tribes rely heavily on their forests for revenues and jobs. In several locations, tribal mills remain the last remaining infrastructure to process the materials that must be removed from tribal and non-tribal forests to preserve the health and productivity of the forests. The loss of a local mill, particularly a tribal mill, is devastating to tribal economies and local communities and the forests themselves. We request that the Subcommittee direct the BIA and USFS to work with timber tribes and the ITC to develop a proposal to preserve tribal forestry, mill and associated harvesting, transportation, and personnel infrastructure, exploring such options as low or no-cost loans, training and modernization grants, operating subsidies, and tribal wood product purchase preference. The proposal should be reported back to the Subcommittee, tribes, and agencies within six months following signing of an Interior appropriations bill.

**6) For DoI Wildland Fire Management: 1) fund preparedness equal to USFS, 2) standardize DoI and USFS fire cost accounting, 3) restore \$44 million to fuels funding and allow its application to all Indian trust forest land, not primarily the WUI, and 4) direct fire 638 indirect costs to the BIA indirect cost pool.**

1) In DoI Wildland Fire Management, we recommend that FY 2011 fire preparedness funding be expanded to reflect per-acre levels comparable to those provided to the USDA Forest Service, a federal forest land manager with comparable management responsibilities.

2) The ITC recommends that USFS and DoI fire cost accounting and business practices be standardized to more accurately and uniformly reflect federal investment in fire management and suppression. Current cost accounting practices result in significant allocation differences between Departments and distort the real cost of the fire management program.

3) The ITC recommends restoring \$44 million to the DoI hazard fuel funds, and that the funds be available to treat all the BIA trust forestlands, not primarily those in the wildland urban interface. Restoration of \$44 million is essential to the protection and management of trust forest resources and the completion of multi-year projects. Maintaining fuels funding equivalency with neighboring agencies such as the USFS will also facilitate the use of cross-boundary and landscape-scale projects.

4) Finally, the ITC requests that Congress direct the BIA to charge 638 indirect costs for tribal wildland fire contracts to the BIA indirect cost pool (and increase funding to the pool to cover this), rather than preparedness funding to improve the effective use preparedness funding and eliminate funding disparities between agencies and departments.

That concludes the ITC FY 2011 testimony. Thank you.

Mr. MORAN. Good for you. Thank you, Mr. Durglo. Mr. Cole.

Mr. COLE. Thank you. I have to say, I am from Oklahoma. I do not know much about trees, so this has been very educational for me, Mr. Chairman. And nothing about the timber industry. And I frankly did not realize it was important, as important as it clearly is to the number of tribes that there are.

And I got to tell you, I am pretty stunned at the differential between how we fund the U.S. Forestry Service and how you are funded. Is this historically, has this gap always been this wide, or——

Mr. DURGLO. Yes, sir. We have been historically underfunded in Indian forestry.

Mr. COLE. What is the justification for us doing one thing on non-Indian lands, in terms of forests, and you know.

Mr. DURGLO. That is a very good question. I cannot answer that.

Mr. MORAN. I have some suspicions.

Mr. COLE. Me too, Mr. Chairman. That is all I had. I just thought those facts deserved being underlined.

Mr. MORAN. Yes. Thank you very much, Mr. Cole. And thank you, Mr. Durglo. Very good. I had no idea that your Council manages the 90 percent of the millions of acres that we have under management. Thank you. Next, we will hear from Robert Benavides, the Governor of the Pueblo of Isleta.

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TUESDAY, MARCH 23, 2010.

## **PUEBLO OF ISLETA (NM)**

### **WITNESS**

#### **ROBERT BENAVIDES**

Mr. BENAVIDES. Good morning, Mr. Chairman. Good morning, Mr. Cole. Members and staff. As you know, my name is Robert Benavides. I am the Governor of the Isleta Pueblo. I live 13 miles south of Albuquerque on the Rio Grande Valley.

We have got a population of about 4,000 tribal members that live on the reservation, and about another 3,000 that are not members that also live on the reservation. We have a land base of 200,000 acres. The age median is around 31 years of age, with an income of less than \$30,000 a year. Some of them are unemployed, even though we do have enterprises such as a casino, hotel, and some other facilities. We do employ close to 2,000 people on our reservation.

But just like the national economy, we too have felt the crunch, and we are still feeling it. And I guess that is why I am here. The reason why I am here is we have a bad water, we need to replace our water main in the village. That water main was installed in the late '40s, and probably the early '50s, and they are asbestos concrete water mains, and as a result, we have had poor health in our village.

We have had over 200 water leaks. We have a high rate of cancer in our village. We have used our own money, and we have had some assistance from the State of New Mexico. We are replacing around 15,500 linear feet of water mains and lines. The construc-

tion of the main water line has started on March the 31st. We are identifying all the gas lines and whatever is needed for the project to begin. That will take around a year and a half to complete. I did take Congressman Teague to my home. I have a home in the village. To show him the coloration of the water, and the rusty color and smells. The people from the pueblo will hardly drink that water, because it is really in bad shape.

The project is in excess of \$1.25 million. We are seeking from federal funding about \$500,000. You do have a copy of my testimony with you. And we are seeking help, also, from the State. We have been fortunate, but we need a lot more to complete that project.

We are also working on an educational complex and long-term elderly care. Some of our buildings are condemned, but we are still using those buildings. There is mold and asbestos, and the EPA has come in and condemned those buildings, but we have no other buildings to work out of, so some of these employees are still working there. And we are also asking for help in that area.

The Early Elderly Care Center, we are also asking for around \$10—well, we spent \$2.2 million of our own for that project. We received funding of \$75,000 from HUD in 2006, \$50,000 from the State of New Mexico, through capital outlay, but we still need around \$10 million in federal appropriations to complete phase two of this project.

As you know, even though we are in the Albuquerque area, there is no facilities that are really available, and some of the elderly cannot afford some of these facilities to stay in. So, that has been a hardship on most of the families that do have someone to take care of.

[The statement of Robert Benavides follows:]

**TESTIMONY OF  
ROBERT BENAVIDES, GOVERNOR  
PUEBLO OF ISLETA  
BEFORE THE HOUSE APPROPRIATIONS COMMITTEE  
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES  
MARCH, 2010**

**I. INTRODUCTION**

I am Robert Benavides, Governor of the Pueblo of Isleta. Isleta is centrally located in the Rio Grande Valley, thirteen miles south of Albuquerque. With a land area of over 200,000 acres, the Pueblo is one of the largest Pueblos in New Mexico. Currently, there are approximately 4,000 tribal members living in the Pueblo of Isleta. The median age of the Pueblo is 31.1 years with the median family income below \$30,000. We have a young population, many of whom are in or on the verge of poverty, which is why the Pueblo is focused on developing solid programs, infrastructure, and institutions that will be able to meet the needs of our members and community well into the future.

As you know, the national economy was on the brink of a crippling depression in 2009 and all governments are feeling the effects of our economic woes. Tribal governments have similarly faced great challenges in these trying times. Over the past eighteen months, profits from our tribal enterprises have declined significantly. These enterprises are the primary source of funding for our governmental operations and programs.

The Pueblo of Isleta is hopeful that the Administration's Fiscal Year 2011 budget will recognize the growing and significant needs of Indian country. With the exception of certain health service and law enforcement programs, funding for tribal programs in the last two decades has remained essentially flat, and in many instances, has actually gone down because of across-the-board rescissions in programs such as education, health care, social services and natural resources. According to the Fiscal Year 2011 Budget, the President is specifically committed to development of clean energy technology on Tribal land, to increase access to healthcare for American Indians and Alaska Natives, to increase funding to better compensate tribes for the work they perform in managing Federal programs under self-determination contracts and self-governance compacts, to provide funding for increased public safety infrastructure in tribal areas, and to significantly increase funding support for Tribal implementation of environmental programs. We appreciate these Federal efforts, but more remains to be done.

**II. INFRASTRUCTURE**

**A. Water Infrastructure.** The Pueblo's domestic water infrastructure is antiquated, dangerous, and in state of disrepair. With our own money, and some assistance from the State of New Mexico, we have begun the process of replacing 15,500 linear feet of asbestos-concrete water mains and lines which serve some 400 households in our main Village. In addition, in the last decade the Pueblo has repaired over 200 leaks and breaks in these antiquated lines. Replacing these lines will result in a

significant reduction in water use ensuring that a valuable natural resource is not unnecessarily squandered. The Pueblo has done extensive pre-construction work on the water main replacement project. We expect to commence construction this spring and complete the project within eighteen months. We are seeking \$500,000 in federal funding through an Environmental Protection Agency State and Tribal Assistance Grant to help offset the cost of this essential project, which will cost in excess of \$1.25 million. The balance of the required funding will be provided by the Pueblo.

**B. Education Complex and Long-Term Elder Care Facility.** In the area of community development there is a need for tribes to have access to resources that can be utilized to construct governmental buildings. For too many tribes, including Isleta, our programs are operated out of ramshackle buildings—many of which present health hazards such as exposure to mold and asbestos to our employees and the people we serve. The Pueblo has identified a need for a new Education Complex and Long-Term Elder Care Facility.

Our Elder Care program is in the initial stages of development, and will require construction of a new facility that meets Americans with Disability Act standards and that can accommodate overnight stays by elder members of the Pueblo.

The Pueblo's education programs, which are vital to ensuring the well-being of our children, are currently operated out of a dilapidated mobile trailer. The Pueblo is in great need of funding to help develop facilities that are able to serve the significant needs of Pueblo members.

### **III. LAW ENFORCEMENT AND PUBLIC SAFETY**

As a former police officer, public safety and justice needs remain a preeminent concern for me. The Pueblo is sandwiched in between rapidly growing areas, two of which have particularly high crime rates—Albuquerque's South Valley to our north, and the Meadow Lakes Subdivision to our south. While Meadow Lakes may sound nice, it is poverty-stricken and crime-ridden. As previously mentioned, we also have an interstate and several major state roads crossing through our reservation. With these roads come the attendant problems of crime, accidents, and driving while intoxicated offenses. Despite our significant needs and the impacts on our reservation from surrounding communities, we currently have only twenty-five uniformed officers, twenty of whom are also State Police certified. The Pueblo self-funds approximately seventy percent of the cost of our Police and Public Safety Department. In addition, although the Pueblo has a significant need for a tribal prosecutor, a tribal victim's advocate, and additional equipment and technical support, it does not have adequate funding available to provide for these services.

### **IV. NATURAL RESOURCES**

As with other governmental programs, the Pueblo is largely utilizing its own funds to provide much needed forestry services. While the Pueblo's Forestry Management Program is operated through a 93-638 contract with the Bureau of Indian Affairs, it receives, on average, about \$100,000 per year in BIA funding for forestry work. After

three major fires in 2008 (Big Springs, Trigo, and Ojo Peak) that moved, one after the other, from the south towards the Pueblo (the last one stopped, literally, at our border), the Pueblo spent over \$250,000 of its own money to thin approximately 350 acres that were ripe for a catastrophic fire on Pueblo lands. There are at least another 1,400 acres in need of thinning.

As this Subcommittee well knows, investing in proper forest management does not simply make good economic sense in terms of protecting forest resources, it is also necessary as a matter of public safety. If these forests are not properly managed we will continue to have forest fires that endanger peoples' lives and homes.

## **V. INDIAN HEALTH SERVICE**

**A. Health services.** Addressing the health care needs of Indian people is a critical element to building vital and thriving communities in Indian country. In New Mexico, Indian people rank the highest in nine negative health indicators, including access to prenatal care, rates of diabetes-related death, youth suicide, and motor vehicle and accidental deaths. To address this, Congress must invest real dollars in health services programs, including preventative and mental health care. We appreciate the Administration's efforts to strengthen the Indian health system to improve the quality of health services provided to American Indians and Alaska Natives, and recognize that this year's Budget requests include significant funding increases for Indian Health Service programs.

I should note that the Pueblo has certainly done its part to try to address our community's pressing health care needs. Specifically, we recently spent \$5.46 million of our own money to build a health clinic, including construction of a Behavioral Health Addition at a cost of \$1.3 million (\$550,000 of which was covered by State funds) in an effort to address substance abuse and other behavioral problems within our community.

**B. Contract Support Costs.** As noted above, the Pueblo of Isleta has invested significant resources to build a state-of-the-art healthcare clinic that provides ambulatory treatment, dental care, preventative care, and a pharmacy. We operate all of these programs through a P.L. 93-638 agreement with the United States, but the United States has not fulfilled its obligation to provide us with 100% of the necessary contract support costs for these programs. These are real costs that the Pueblo incurs for basic administrative expenses related to, among other things, audits, payroll, and insurance.

Today, we receive a percentage of the contract support cost dollars that are due us, but must annually find funds to cover the yearly shortfall. A contract support costs deficit means that fewer children see the dentist, fewer people are screened for cancer, and fewer diabetics receive the care that they need. The Subcommittee should make the commitment to fully fund contract support costs in FY 2011. This commitment would provide virtually every tribally operated health program in the country with a significant increase of funds that will go directly to health services for their people.

**C. Contract Health Care.** Finally, I join with all of my fellow tribal leaders from across the country to urge the Subcommittee to increase funding for contract health care. Notwithstanding the services provided directly at our clinic, we still have a

significant need to refer patients to outside providers. While our clinic is able to address medical priorities (those emergencies threatening members' lives or limbs) and some preventative care issues, all other issues must be referred to outside providers. An increase in CSC funding would increase the number of patients our clinic could see and the more preventative services it could offer. At present, medical inflationary costs are rising much faster than contract health care appropriations are, so additional funding for these resources is a critical need.

Mr. MORAN. Thank you, Mr. Benavides. The time has expired, and we are going to have to get back into session. Mr. Cole.

Mr. COLE. Just a quick question or two. Out of curiosity, how close is the casino complex to the village, and——

Mr. BENAVIDES. It is about 5 miles.

Mr. COLE. About 5 miles. What is their water source?

Mr. BENAVIDES. Well, we have a new water source there, but even though we do have a casino, we had a decline in our profits by about 23 percent.

Mr. COLE. Oh. No, believe me, I am quite aware.

Mr. BENAVIDES. Yeah.

Mr. COLE. That most of Indian country——

Mr. BENAVIDES. We have wells for the casino.

Mr. COLE. Well, and of course, a significant portion of that income goes back to the investors, and goes, I suspect to the State of New Mexico who has a compact with you.

Mr. BENAVIDES. Right. Right.

Mr. COLE. So, it is not like all that revenue flows to you.

Mr. BENAVIDES. No. And I just hope you consider our request. I did want to say one thing on law enforcement, as a law enforcement officer. The funding is not \$19,000. It was \$33,000. However, DoJ did take \$20,000. Law enforcement in Indian country received \$10,000. \$10 million, I am sorry. We need all that money. We do not need 100,000 agents out in the field. They are never there, so that is where we need the money.

Mr. COLE. Thank you.

Mr. MORAN. Thanks very much, Mr. Benavides. We appreciate it.

Elbridge Coochise. Chief Justice, Retired, of the Independent Tribal Courts Review Team in Arizona. Judge.

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TUESDAY, MARCH 23, 2010.

## INDEPENDENT TRIBAL COURTS REVIEW TEAM

### WITNESS

#### ELBRIDGE COOCHISE

Mr. COOCHISE. Thank you. Good morning, Chairman and committee staff. Thank you for allowing me to come in.

I represent the Independent Tribal Courts Review Team. We have been reviewing tribal and CFR courts for the past four years, and we are here to make a request for at least \$50 million for the 156 tribes that are provided funds through the Bureau of Indian Affairs.

Up until Fiscal Year 2009, the Bureau only provided \$11.9 million for the 156 tribes. And I do want to thank the committee for the \$5 million for Fiscal Year 2010, and then, the Senate adding \$5 million for a \$10 million to Fiscal Year 2010.

And this is the first time that I have seen in all my years that additional funding that will go into the base of tribal courts. And again, the committee passed two years, '09 and '08, provided \$2.4 million for one time funding, and that was distributed to about 24 and 22 tribes in those years, just for one time.



But with the \$11.9 and the current \$10, that only brings us up to about \$21 for the whole, all 156 tribes. And we have been charged with a responsibility to do a systemic operations assessment of the tribal courts.

And to the Governor and chairwoman from Siletz, we just recently did theirs, and they are in dire need. In fact, we found the lowest, one court only gets \$10,000 for their court system. But the funding, we are finding, is needed drastically at tribal courts. Understand, the tribes that are here have other problems that are health-related, but we are requesting an increase in the tribal court funding by 50 percent. And to fund, authorize \$58.4 million under the Indian Tribal Justice Act that was passed in 1993, and it was reauthorized twice, and we still have not seen any funding under that bill.

The reason for the increased funding need is the hiring and training of court personnel, an increase in salaries for judges, and a need for new technology. Most of the 60 courts that we have reviewed are still on a manual data collection system, and the few that have got grants from DoJ cost \$60,000 to \$80,000 a year. The problem is, for relicensing of court clerks and others who use it, that is \$5,000 a year that they have to pay, that they do not have the funds for.

The security system really is nil within the tribal court system. Chairman Stafne, we reviewed his court last year, and while we were there, everybody, prisoners, people, court staff and judges, are crossing in—there is no security in most of these court systems, just because they do not have the funds.

Then, there is code development. Many of the tribes, we are finding, are outdated in their codes, or they have been adopted from state codes that do not fit within the reservation. And so, we are requesting that additional funding be given to the Bureau of Indian Affairs to fund the 156 tribes.

We have done 9 reviews this year, in Fiscal Year 2010. So, we had a total, then, of 69. And one of the items that was added in '09 was the speedy trial issue. Thus far, every court that we have reviewed, there were no violations of speedy trial issues, even though not all of them had a statute. Because most trials, from arraignment to trials, were done within 4 weeks.

The only one that went beyond that was a federal CFR court, but they only have court once a month, and they were 6 months between arraignment and trials. So, the court systems are doing fairly well in providing due process to the community members, but they really need assistance.

In fact, the Governor's court systems is a condemned building that has asbestos and other things. We were just there a couple weeks ago, and two of my people got sick just being in there for about an hour and a half. They need to be moved to a better facility.

This is what we are finding, and in my report, or testimony, the one in Montana, the house and a dormitory, it leaks all over, and the walls are all marked up.

The courts do need assistance, and there are increases in law enforcement, but unfortunately, when you make increases in law en-

forcement, you bottleneck the system if you do not put any more money into the court systems.

We are handling, in the tribal court systems, even now, from gaming, that have state compacts. A lot of those cases, the slip and fall, the contract, tort issues, are coming to tribal court, because the compacts are not following through with the outside jams, judges are supposed to handle those.

[The statement of Elbridge Coochise follows:]

<b>INDEPENDENT REVIEW TEAM</b>
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**ORAL TESTIMONY OF ELBRIDGE COOCHISE, CHIEF JUSTICE, RETIRED**  
**INDEPENDENT TRIBAL COURTS REVIEW TEAM**  
**BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS**  
**SUBCOMMITTEE FOR THE FISCAL YEAR 2011**  
**BUREAU OF INDIAN AFFAIRS APPROPRIATIONS**  
**MARCH 23, 2010**

Thank you for the opportunity to testify today and address the serious funding needs that have limited and continue to hinder the operations of Tribal judicial systems in Indian Country. I am the Leader of the Independent Tribal Court Review Team. **I am here today to request that this Committee increases funding for Tribal Courts by at least \$50 million in FY 2011 and maintain the Tribal Courts set-aside.**

**Budget Priorities, Request and Recommendations**

1. + \$58.4 million authorized under the Indian Tribal Justice Act of 1993, P.L. 103-176, 25 USC 3601 and re-authorized in year 2000 P.L. 106-559 (no funds appropriated to date)
2. +Increase funding for Tribal Courts by 50%
3. Maintain the set-aside for Tribal Courts

***We Support an Increase in Funding for:***

1. **Hiring and Training of Court Personnel** - Tribal Courts make do with underpaid staff, under-experienced staff and minimal training. (We have determined that hiring Tribal members limits the inclination of staff to move away; a poor excuse to underpay staff.)
2. **Salary Increases for Existing Judges and Court Personnel** – Salaries should be comparable to local and State Court personnel to keep pace with the non-Tribal judicial systems and be competitive to maintain existing personnel
3. **Tribal Courts Need State-of-the-Art Technology** - (software, computers, phone systems, tape recording machines.) Many Tribes cannot afford to purchase or upgrade existing court equipment unless they are awarded a grant. This is accompanied by training expenses and licensing fees which do not last after the grant ends.
4. **Security and Security Systems to Protect Court Records and Privacy of Case Information** - Most Tribal Courts do not even have a full time Bailiff, much less a State-of-the-Art security system that uses locked doors and camera surveillance. This is a tragedy waiting to happen.
5. **Tribal Court Code Development** - Tribes cannot afford legal consultation. A small number of Tribes hire on-site staff attorneys. These staff attorneys generally become enmeshed in economic development and code development does not take priority. Tribes make do with under-developed Codes. The Adam Walsh Act created a hardship for Tribes who were

forced to develop codes, without funding, or have the state assume jurisdiction. (States have never properly overseen law enforcement in a Tribal jurisdiction.)

- 6. Financial Code Development** - We have rarely seen Tribes with developed financial policies. The process of paying a bond, for example, varies greatly from Tribe to Tribe. The usual process of who collects it, where it is collected and how much it is, is never consistent among Tribes.

For the past 4 years, the Independent Court Review Team has been traveling throughout Indian Country assessing how Tribal Courts are operating. During this time, we have completed some 60 court reviews. There is no one with more hands-on experience and knowledge regarding the current status of Tribal Courts than our Review Team.

We have come into contact with every imaginable type of Tribe; large and small, urban and rural, wealthy and poor. What we have NOT come into contact with is any Tribe whose Court system is operating with financial resources comparable to local and State jurisdictions.

There are many positive aspects about Tribal Courts. It is clear that Tribal Courts and justice systems are vital and important to the communities where they are located. Tribes value and want to be proud of their Court systems. Tribes with even modest resources tend to send additional funding to Courts before other costs. After decades of existence, many Tribal Courts, despite minimal funding, have achieved a level of experience and sophistication approaching, and in some cases surpassing, local non-Indian Courts.

Tribal Courts, through the Indian Child Welfare Act, have mostly stopped the wholesale removal of Indian children from their families. Indian and non-Indian Courts have developed formal and informal agreements regarding jurisdiction. Tribal governments have recognized the benefit of having law-trained Judges, without doing away with Judges who have cultural/traditional experience. Tribal Court systems have Appellate Courts, jury trials, well-cared-for Courthouses (even the poorer Tribes), and Tribal Bar listings and fees. Perhaps most importantly, Tribes recognize the benefit of an independent judiciary and have taken steps to insulate Courts and Judges from political pressure. No longer in Indian country are Judges automatically fired for decisions against the legislature.

Our research indicates Tribal Courts are at a critical stage in terms of need. Nationwide, there are 156 Tribes with Courts that receive Federal funding. These Tribes divided a mere \$11.9 million in Federal funds throughout FY-2009. It is the strong recommendation of the Independent Tribal Courts Review Team that the Federal Tribal Courts budget be substantially increased above what is in the President's Budget.

Assessments have indicated that the Bureau of Indian Affairs only funds Tribal Courts at 26% of the funding needed to operate. The remainder is funded by the Tribes. Tribes who have economic development generally subsidize their Tribal Courts. On the flip side, Tribes who cannot afford to assist in the financial operations of the Court are tasked with doing the best they can with what they have even at the expense of decreasing or eliminating services

elsewhere. This while operating at a disadvantage with already overstrained resources and underserved needs of the Tribal members. The assessment suggests that the smaller Courts are both the busiest and most underfunded.

We thank this Committee for the additional \$5 million funding, and the Senate's additional \$5 million (\$10 million) in FY-2010. This will be a big asset once the funding trickles down to the tribal courts. These funds will be added to the base funding of the tribal justice systems.

The grant funding in the Department of Justice is intended to be temporary, but instead it is used for permanent needs; such as funding a Drug Court Clerk who then is used as a Court Clerk with Drug Court duties. When the funding runs out, so does the permanent position. We have witnessed many failed Drug Courts, failed Court management software projects (due to training costs) and incomplete Code development projects. When the Justice funding runs out, so does the Project.

As a directive from the Office of Management and Budget, our Reviews specifically examined how Tribes were using Federal funding. In the last four fiscal years there was only one isolated incident of a 3% questionable expenditure of Federal funds (FY 09). It is speculated that because of our limited resources, we compromise ones due process and invoke "speedy trials" violations to save Tribal Courts money. Everyone who is processed through the Tribal judicial system is afforded their Constitutional civil liberties and civil rights.

We do not wish to leave an entirely negative impression about Tribal Courts. True, Tribal Courts need an immediate, sustained and increased level of funding and there are strong indications that the Courts will put such funding to good use.

There are Tribes like the Fort Belknap Tribe of Montana whose Chief Judge manages both offices and holds Court in an old dormitory that can't be used when it rains because water leaks into the building and the mold has consumed one wall. ***Their need exceeds 100%.***

And, there are Tribes like the isolated Havasupai, located in the bottom of the Grand Canyon. They can only afford a Judge one day a month. Their computers only work sporadically because of the fine layer of dust that appears to cover everything. They have a single, underpaid clerk, who remains dedicated to her job, even though her employment experience means she could make twice as much working out of the Canyon away from home. When she goes to pick up her children at school, the Court must close, because she is the only one there. The flooding of the Canyon has not helped. ***Their need exceeds 100%.***

Tribal Courts have other serious needs. Tribal Appellate Court Judges are mostly Attorneys who dedicate their services for modest fees that barely cover costs for copying and transcription fees. Tribal Courts offer Jury Trials. In many Courts, one sustained Jury Trial will deplete the available budget. The only place to minimize expenses is to fire staff. Many Tribal Courts have Defense Advocates. These advocates are generally law trained and do a good job protecting an individual's rights (including assuring speedy trial limitations are not violated.) However, this is

a large item in Court budgets and if the defense advocate, or Prosecutor, should leave, the replacement process is slow.

I come here today to tell Congress these things. We feel it is our duty to come here on behalf of Tribes to advocate for better funding for Tribal Justice Systems. Tribes ask us to tell their stories. They open their files and records to us and say, "We have nothing to hide". Tell Congress we need better facilities, more detention facilities, more legal advice, better codes... the list goes on and on. But, as we have indicated, it all involves more funding. This Congress and this new Administration can do something great. Put your money where your promises have been.

**We support the requests and recommendations of the National Congress of American Indians.**

On behalf of the Independent Tribal Court Review Team; Charles D. Robertson Jr. Esq., Honorable Philip D. Lujan, Ralph Gonzales Esq., Myrna Rivera and myself, Thank you.

Mr. MORAN. Thank you, Judge. The time has expired.

Mr. COOCHISE. That is fine.

Mr. MORAN. And we have got to get this in by noon time. Mr. Cole.

Mr. COLE. Just a quick comment, maybe, and question. I know we have been trying to work on this, Mr. Chairman, but we keep seeing these law enforcement issues, obviously, and justice issues. They come up in almost every discussion we have.

Mr. MORAN. I know.

Mr. COLE. No matter what the point. It shows how central it is. And I know we have talked in the past about having a joint hearing with our colleagues in the Commerce, Justice, and Science Committee, where frankly, a lot of this funding is also at, because of the justice component.

I hope we can do that some time, so it would be highlighted.

Mr. COOCHISE. Yeah. Like I said, we really want to thank the committee for what you have done up to this point. I have been retired 13 years, and spent 32 years on the bench, and we are still not far down the road, as far as resources to run the courts.

Mr. MORAN. You make compelling testimony. We thank the Chief Justice.

Mr. COOCHISE. Thank you very much, Chairman.

Mr. MORAN. Next, we will hear from Patty Brown-Schwalenberg, who is Executive Director of the Chugach Regional Resources Commission. This is in Alaska.

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TUESDAY, MARCH 23, 2010.

## **CHUGACH REGIONAL RESOURCES COMMISSION**

### **WITNESS**

#### **PATTY BROWN-SCHWALENBERG**

Ms. BROWN-SCHWALENBERG. I have with me the chairman of our board, Patrick Norman, who is also the First Chief of the Native Village of Port Graham. I asked him to accompany me, and after a lot of years, he has finally been able to pull away from his work in the village.

Thank you for allowing us to testify before you. I know we are on a short timeline here, so I will try to make it quick.

The Chugach Regional Resources Commission is requesting that our funding of \$350,000 be put into the base budget through the Indian appropriations process. We were in the base budget for, since 1992, under a 638 contract, and in about 2003, the Bureau of Indian Affairs took us out of the budget. So, every year, we have been coming back to the Appropriations Committee, asking to be put back in. And we have, up until 2006, our budget was severely reduced by the Bureau of Indian Affairs. In 2007, we did not get any money. In 2008, we were not sure we were going to get any money.

So, we started talking to the Assistant Secretary of Indian Affairs, trying to resolve the matter. We knew the money was in the budget, but it was not, there were no earmarks in 2007. And we ended up having to file a lawsuit against the Secretary of the Inte-

rior to get our funding, which we did, with contract support, and according to the lawsuit, we are supposed to be getting full funding every year, and then, every three year contract has to be renewed by the Bureau of Indian Affairs.

Despite this lawsuit, the Bureau of Indian Affairs has not put us in the budget and so, every year, we are faced with presenting our proposal, and then, they come back with a letter saying gee, we do not have any money for you. So——

Mr. MORAN. What is their rationale, beyond the fact that they do not have the money?

Ms. BROWN-SCHWALENBERG. I am not exactly sure. There were other organizations, including Circle of Light, that were taken out of the budget at the same time we were. They have been put back in. We have not, so we have been meeting with the Bureau of Indian Affairs on a regular basis, and I have no idea why we have not been included, but when we do go back, like we had to come back here last November, and pound on some doors and tables. We did get our funding for Financial Year 2010. So, the money is somewhere. I am just not exactly sure where.

So, rather than us taking money from other tribal programs, and we have heard a lot of issues here today, just as we were sitting there. You know, economic depression and the community's health, law enforcement, clean water, education, elder care. It is all important stuff, and I would hate to have, you know, those programs suffer because the Bureau of Indian Affairs has not put this money in the budget, as required under the 638 contract law.

But our organization works with the Seven Villages in Prince William Sound and Laura Cook on natural resource and environmental issues. So, it is, to me, the basis or the foundation to address all those problems in a culturally appropriate manner. Law enforcement, clean water, education, all that depends upon the resources, and make sure that they are all there.

So that is what we work on. The second part of our request is \$150,000 in additional funding for our Alutiiq Pride Shellfish Hatchery. It is the only shellfish hatchery in the state. And it not only serves the villages, in providing them with shellfish seed for replenishing the seed, but it is near the villages. It is also an economic project that sells various kinds of shellfish seeds to industry.

We are doing a lot of research right now. We are doing research on blue king crab and red king crab, with Western Alaska, as well as Kodiak Island, and working with the state and the university and NOAA to, actually, maybe enhance the crab population, since there has not been a commercial crab industry in, I am sorry, around Kodiak in about 20 years.

So, we are doing a lot of things with very little money, but this issue with our recurrent funding has been a problem. So, we would respectfully request assistance with that.

[The statement of Patty Brown-Schwalenberg follows:]



TESTIMONY OF  
**Patty Brown-Schwalenberg, Executive Director**  
**CHUGACH REGIONAL RESOURCES COMMISSION**  
**HOUSE APPROPRIATIONS COMMITTEE**  
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED**  
**AGENCIES**

As Executive Director of the Chugach Regional Resources Commission ("CRRC"), located in Alaska, I am pleased to submit this testimony, which reflects the needs, concerns and requests of CRRC regarding the proposed FY 2011 Budget. CRRC respectfully requests that the Subcommittee restore \$500,000 in recurring base funding in the Bureau of Indian Affairs' Trust-Natural Resources Budget. Of this amount, CRRC requests \$350,000 for its core administrative operations, and \$150,000 to restart and continue operations at the Alutiiq Pride Shellfish Hatchery in Seward, Alaska.

I request that this funding be returned to the base Budget due to the difficulties CRRC has had receiving its legally- and contractually-bound funding from the Bureau of Indian Affairs over the last few years. Despite entering into a legally-binding Self-Determination contract with CRRC in 1993, a contract that was subsequently renewed, the BIA has, in recent years, failed to request funding for CRRC in its budget. Recently, we brought suit against the BIA, which resulted in a legally-binding agreement that the BIA would continue to honor its contract with CRRC and continue to fund it. Unfortunately, once again, the BIA failed to request funds in its budget. Because we do not want funding for other BIA programs to suffer, we request that Congress restore CRRC's funding to the base budget to assist the BIA in meeting its legal obligation to provide funding to CRRC.

**Commission History.** CRRC is a non-profit coalition of Alaska Native Villages. CRRC was organized in 1987 by the seven Native Villages of the Chugach region of Alaska: Tatitlek Village IRA Council, Chenega IRA Council, Port Graham Village Council, Nanwalek IRA Council, Native Village of Eyak, Qutekcak Native Tribe, and Valdez Native Tribe.

CRRC was created by these Villages to address environmental and natural resource issues and to develop culturally-sensitive economic projects at the community level to support the sustainable development of the region's natural resources. The Native Villages choice to create a separate entity demonstrates the level of their concern for environmental and natural resource management and protection – the creation of CRRC ensured that natural resource and environmental issues received sufficient attention and focused funding.

In recognition of the level of concern the Chugach region Villages had, and the importance of CRRC's work, the BIA awarded CRRC a self-determination contract ("self-determination contract") with the Department of the Interior through the Indian Self-Determination and Education Assistance Act ("ISDEAA"), Pub. L. No. 93-368, in 1993, and received \$350,000 as part of the BIA's base budget from FY 1994 through FY 2002. CRRC was able to leverage this funding into almost \$2 million annually to support its several community-based programs. While the base funding of \$350,000 allowed CRRC to maintain core administrative operations, specific projects have received funding from sources such as ANA

Grants, the EVOS Trustee Council, the State of Alaska, the BIA and the Forest Service. With these funds, CRRC has managed to develop and operate several important programs that provide vital services, valuable products, and necessary employment opportunities. These programs include:

Alutiiq Pride Shellfish Hatchery. The Alutiiq Pride Shellfish Hatchery is the only shellfish hatchery in the State of Alaska. A 20,000 sq. ft. shellfish hatchery located in Seward, Alaska, the Alutiiq Pride houses shellfish seed, brood stock and algae production facilities. The Hatchery is operated by CRRC and, when funded, has employed four individuals. Alutiiq Pride is undertaking hatchery nursery and grow out operations research to adapt mariculture techniques for the Alaskan Shellfish industry, as well as conducting scientific research on blue and red king crab as part of a larger federally-sponsored program. As the only shellfish hatchery in the state, CRRC is the only organization in Alaska that can carry out this research. While CRRC planned to expand the production of the Hatchery so that it can support some of CRRC's base operating costs once it becomes self-sustaining, reduction and delays in funding since 2001 has led to the Hatchery slowing down its operations and laying off most of its employees.

Alutiiq Pride has been successful in culturing geoduck, oyster, littleneck clam, and razor clam species, and is currently working to develop culture, nursery, and grow-out techniques for red king crab and blue king crab. This important research cannot continue without base operational funding.

The production and sale of geoducks and razor clam seed – two projects the hatchery is currently working on – has the potential to raise substantial revenue. For example, the production potential from only 2 million seed sales can approach \$400,000, which is a tenfold revenue increase. The shellfish industry in Alaska has not yet grown to the point where seed sales cover the cost of operations, but we expect geoduck seed sales will coincide with the expected growth of the oyster sales industry. Until the Hatchery is self-sufficient in 2-5 years, however, it requires operations and research and development funds if it is to meet the State's growing demand for shellfish seed.

To be able to re-hire hatchery employees and restart and continue to develop these important programs, CRRC is seeking annual funding of \$150,000 for hatchery operating expenses and research and development until the Hatchery is able to become self-sustaining.

Natural resource curriculum development. Partnering with the University of Alaska, Fairbanks, and the National Oceanic and Atmospheric Administration, CRRC is developing and implementing a model curriculum in natural resource management for Alaska Native students. This curriculum integrates traditional knowledge with Western science. The goal of the program is to encourage more Native students to pursue careers in the sciences. So far, there 15 students have completed the program, earning a total of 15 credits each towards a 30-credit certificate in Tribal Management. In addition, we are working with the Native American Fish & Wildlife Society and Tribes across the country (including Alaska) to develop a university level textbook to accompany these courses.

Alaska Migratory Bird Co-Management Council. CRRC is a member of the Council responsible for setting regulations governing the spring harvest of migratory birds for Alaska Natives.

Statewide Subsistence Halibut Working Group – CRRC participates in this working group, ensuring the halibut resources are secured for subsistence purposes, and to conduct harvest surveys in the Chugach Region.

Employment. CRRC has provided employment for 35 Native people in the Chugach Region – an area where Native people face high levels of unemployment. As a result of reduction and elimination of funding in the past few years, CRRC had to lay off 20 employees, including most of our Village employees. This amounts to six families per Village losing this income. In Villages with an average population of 100, this loss of income is a devastating blow to the local community economies. If funding is not restored, we will be unable to rehire our employees, and these 20 families will create a much larger burden on state and federal financial resources. Several of our projects, each of which serve important and innovative goals and provide valuable products and services, have also been put on hold until we have the funding to resume operations and rehire the necessary employees.

Funding History. As mentioned above, CRRC receives its core administrative funding through a self-determination contract with the Department of the Interior. CRRC entered into its original three-year contract in 1993. Under the contract, the BIA agreed to provide annual funding to CRRC to protect the region's natural resources and engage in economic development for the Villages. This contract has subsequently been renewed each time it has come up for renewal.

The ISDEAA requires the Interior to provide *at least* the amount of funding the “Secretary would have otherwise provided for the operation of the programs” the contract supports (the so-called “Secretarial Amount”) plus additional contract support costs. 25 U.S.C. § 450j-1(a)(1)-(2). This means that Interior is required to provide CRRC with the same amount that the Secretary of the Interior would have to run the program. The ISDEAA further specifies that the Interior generally cannot reduce the contract funding from one year to the next. Despite this legislative and contractual obligation to provide consistent annual funding to CRRC, the BIA, since FY 2003 has avoided its funding obligation by failing to request funding for CRRC in its budget.

Even though Congress has been helpful in restoring funding for CRRC in the BIA's budget, the BIA has continued to avoid using those funds for CRRC. In FY 2006, the BIA unilaterally reduced CRRC's funding to \$300,000 – a significant cut from our previous level of funding. In FY 2007, Congress again provided \$300,000 for CRRC, but the BIA used the absence of associated targeted spending language to redirect CRRC's funding elsewhere in its budget. Despite repeated appeals to the agency, and despite its contractual obligation to pay, the BIA did not provide CRRC with any funding in FY 2007. As a result, CRRC was forced to take out a bank loan of \$100,000 just to avoid closing its operations entirely. We were forced to lay off many employees, and several of our projects were put on hold because of the lack of funding and the resulting lack of employees.

In FY 2008, the BIA again sought to withhold all funding, and even tried to cut off CRRC's contract, which is illegal under the ISDEAA. CRRC was forced to spend several thousand dollars in legal fees to file suit to obtain its rightful funding for FY 2008. The BIA resolved this lawsuit and agreed that it would continue to provide funding to CRRC, but once again, in FY 2009 and FY 2010, the BIA did not provide for CRRC funding in its budget. We fear that without Congressional assistance in the form of a targeted spending request, we will be forced to sue the BIA every year to obtain the funding that CRRC should rightfully receive pursuant to its contract.

If the BIA does not request funding for CRRC, it must take the funds from its other programs to fulfill its legally-obligated duty to CRRC. Because we do not want to take funds from other BIA programs, we are asking that Congress restore this funding the base Budget to assist the BIA in meeting this legal and contractual obligation.

Our base budget is as follows:

A. Chugach Region Shellfish Mariculture Development	<u>Projected Cost</u>
• Oyster grow-out operations in Tatitlek	\$75,000
• Oyster marketing	
B. Nanwalek Sockeye Salmon Development Project	\$25,000
• Seek funds for disease free water engineering study	
• Operate smolt out-migration weir	
C. Program Development/Regional Office Operations	\$250,000
• 2 staff persons/supplies/quarterly board meetings	
• Biological Professional Assistance	
• Project Development and Planning	
• Harvest Surveys	
• Resource Evaluation and Management	
Total Direct Costs	<b>\$350,000</b>
Indirect Cost (27.7%)	<b>\$96,950</b>
<b>TOTAL PROJECTED BASE BUDGET</b>	<b>\$446,950</b>
Alutiiq Pride Shellfish Hatchery Operations	<b>\$150,000</b>
<b>TOTAL</b>	<b>\$596,950</b>
	(\$500,000 requested)

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Mr. MORAN. Thank you. What are shellfish seeds?

Ms. BROWN-SCHWALENBERG. In layman's terms, they are like baby clams.

Mr. MORAN. That is what I figured.

Ms. BROWN-SCHWALENBERG. They are about that big, you know, clams, geoducks.

Mr. MORAN. Sure.

Ms. BROWN-SCHWALENBERG. Scallops.

Mr. MORAN. They are bought in large quantity, and then, you——

Ms. BROWN-SCHWALENBERG. We, well, we buy, we have the adults, and then, we spawn them out, raise up the seed, and then, they are planted in the sea beds.

Mr. MORAN. Yeah.

Ms. BROWN-SCHWALENBERG. In the substrate. Near the villages, and——

Mr. MORAN. Well, we should find out why BIA is not including you in its budget. I have been to the Chugach, on the way to Denali, and thank you for your hospitality several years ago. Although it was July 4, and you had a festival, and my son won the pie eating contest, and we went up to the national wildlife refuge there, where of course, they do not have any sanitation facilities, and he had the runs for a week and a half. But I will not forget the Chugach Village. We had a great time. Mr. Cole.

Mr. COLE. I am not going to try and top that, Mr. Chairman. Just I want to echo your point you made. It does amaze me when the BIA loses a legal case. That ought to kind of tell them, you know, why do we want to come back down this road again? So, thank you for bringing it to our attention. Thank you, Mr. Chairman.

Mr. MORAN. Yeah, thank you, Mr. Cole. And thank you, Ms. Brown-Schwalenberg. And we appreciate the fact that you were able, for your colleague here, that I know it is a long ways to travel, but we appreciate you making your presence known before the subcommittee.

Ms. BROWN-SCHWALENBERG. Well, we feel it is important, and we appreciate the opportunity. Thank you.

Mr. MORAN. Very good. Good for you. Thank you very much. What we will do is to recess until two o'clock this afternoon.

Mr. MORAN. Welcome. Mr. Young, would you like to take your seat up here at the——

Mr. YOUNG. Thank you. And then I have to leave. We are going to have votes as soon as we get done with it.

Mr. MORAN. Yeah.

Mr. YOUNG. Oh, you gave me the nice chair, too.

Mr. MORAN. Let me mention to the witnesses first of all, we have only 5 minutes total for your statement and to answer questions. We do that because we have so many people who have asked to testify that we want to hear from all. We will watch the timer closely so that you are aware when the yellow light comes on and then when the red light comes on, then we are going to have to shut it off.

Your entire prepared statement, though, will be inserted in the final hearing record.

And at this point, I would like to call on the former Chairman of the Natural Resources Committee and a very prominent member of the Congress and leader for many years and a terrific representative for his constituents in Alaska, Congressman Don Young.

Mr. YOUNG. Thank you, Mr. Chairman. Again, I want to congratulate you on becoming Chairman of this committee. This committee is very important to the State of Alaska, as you know, and you play a major role in Alaska and invite you up to not only enjoy the scenery but the great people of Alaska.

It is my honor today to introduce two people, Andy Teuber and Katherine Gottlieb. Both of these individuals have been very important. Andy has been a KANA board member, becoming President and CEO and Corporate Vice President in Kodiak, a for-profit Native corporation in the Kodiak region. He has served on the Boards of Alaska Federation of Natives, the Alutiiq Heritage Foundation, and the State Chamber of Commerce. He served as the Gulf of Alaska Coastal Communities Coalition, and he has done many, many things. He has worked on the Anchorage Chamber of Commerce, and actually, the Alaskan Journal of Commerce recently named him as Alaska's top 40 under 40. He is a commercial fixed-wing and helicopter pilot, and he was born and raised in Kodiak and has three children with his spouse, Natasha. Katherine—

Mr. MORAN. Well, let's get them up here so we can—Yeah, where are they?

Mr. MORAN [continuing]. See who you are talking about.

Mr. YOUNG. As I was introducing him I thought—this is the young man. I am sorry. I apologize.

Mr. MORAN. Very good.

Mr. Welcome, Mr. Teuber.

Mr. YOUNG. And Katherine is an MBA, serves as President and CEO of the Southcentral Foundation. It is a customer-owned healthcare system that works together with Alaska native people to achieve wellness in the entire community. Under her direction and guidance, the SCF has become a leader in healthcare, receiving national and international recognition. SCF's unique and creative programs draw upon the Alaska native culture to address healthcare challenges, substance abuse, women's health issues, and family wellness. She was a recipient of the 2004 MacArthur Genius Award. She holds a Bachelor of Arts degree, a Master's in Business Administration and Honorary Doctorate from Alaska Pacific University. She serves on numerous boards. She remains active on the national level of Native American policy issues and serves as a primary representative of the Indian Health Services National Tribal Advisory Committee on Behavioral Health. She is a daughter of an Aleut mother and a Philippine father. She is the mother of six children and grandmother of 23 grandchildren. And may I say, Mr. Chairman, she runs a tremendous healthcare facility. I have had the privilege of not only visiting but having my wife participate in the unit, and it is really an example. I actually submitted the model of that hospital to the writers of the new health bill and asked them to look at this model to see whether it would work correctly. They did adopt some things but not everything as they

should have. These are good Alaskan young people that understand the healthcare needs of the State of Alaska.

It is my honor to have them both at the table. And I do apologize. Usually I am down there when I do this. I got all confused. But thank you, Mr. Chairman.

Mr. MORAN. Thank you very much. Those were tremendous introductions. Unfortunately, they exhausted all of your time.

Mr. YOUNG. I was watching the time.

Mr. MORAN. I am kidding. No, come on back. I am kidding. We also have Mr. Cole, a very valuable member of the committee who has taken a particular interest in Native American affairs. He is of Native American heritage himself, and it is wonderful to have someone that cares as much as he does, as does Mr. Young.

At this point, perhaps we can hear from you, Mr. Teuber. And they called a vote, so we have got at least 10 minutes. So we will get both witnesses in before we go to the vote.

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TUESDAY, MARCH 23, 2010.

**KODIAK AREA NATIVE ASSOCIATION, ALASKA**

**WITNESS**

**ANDY TEUBER**

Mr. TEUBER. Thank you so much, and thank you for that wonderful introduction, Congressman Young.

Good afternoon Chairman Moran and Ranking Member Cole, members of the committee. My name is Andy Teuber, and I serve as the Chairman and President of the Alaska Native Tribal Health Consortium and also as the President and CEO of the Kodiak Area Native Association. On behalf of those we serve, which includes each of Alaska's 229 tribes and over 135,000 American Indian and Alaska natives, I thank you and extend an invitation to the members to visit Alaska and see first-hand some of the unique challenges that nature creates, but more so many of the successes we have had been able to achieve in providing quality health services with what are oftentimes very limited resources.

While the Nation debates the provisions in the recently passed health reform bill, I believe we can nearly all agree that the inclusion of the Indian Healthcare Improvement Act reauthorization is a long-overdue step in the right direction to modernize and improve the Indian health system.

On behalf of Alaska's native community, thank you for your commitment to improving the health status of our native people.

In recent years, the IHS budget has been funded at about 60 percent of identified need, but we are now beginning to see meaningful increases thanks to your efforts. My written testimony addresses four key areas of resource deficiency in the 2011 IHS budget, and accordingly, we are requesting increases of \$15 million for dental health, \$81 million in contract support costs, \$83 million for facility operational needs, and \$10 million for a child abuse and neglect prevention initiative.

By design, IHS budget line items work together to achieve the best possible results in the delivery of healthcare. Clearly increases

in the clinical and preventive services funded by the IHS budget are necessary, but their full value cannot be realized if other portions of the budget that provide essential support for those services are not adequately funded.

Frequently we find it necessary to compromise one essential program to support another. While I cannot emphasize enough the value the fully funded contract support costs would have, I am committing the balance of my time to bring attention to the need for resources in child abuse and neglect prevention initiatives and in dental health.

An issue that often lurks in the darkness and in secrecy is the issue of child abuse and neglect. I do not believe there is another issue that affects the long-term health and well-being of native people as significantly as child abuse. Ironically, it is also an area that is glaringly devoid of resources to address the problem. A recent CDC study found a strong relationship between childhood trauma and risk factors for many of the leading causes of death in adults, including tobacco use, alcohol and substance abuse, obesity, diabetes, heart disease, and cancer. People who experience childhood trauma were found to be 12 times more likely to have increased health risks for alcoholism, drug abuse, depression and attempted suicides, 2 to 4 times more likely to smoke, 2 to 4 times more likely to contract a sexually transmitted disease and 1.4 to 1.6 times more likely to be physically inactive or severely obese. Alaska unfortunately has the highest reported substantiated incidence per capita of child abuse and neglect in the United States.

The domestic violence prevention initiative in 2009 funded at \$7.5 million and \$10 million in 2010 is a great step toward addressing our domestic violence prevention needs. We could use a similar program to address the equally important need for the prevention of child abuse and neglect and request that \$10 million be provided for such an initiative.

Next, American Indians and Alaska natives, especially children, continue to experience oral health disparities such as children ages 2 to 4 suffering tooth decay at five times the national average and that 79 percent of native children ages 2 to 5 have tooth decay, 60 percent of which is considered severe. This year in Alaska we have children who are graduating from high school with a full set of dentures.

Each year over 1,200 children need oral surgery in Alaska due to the extent of their tooth decay, and the cost of one operating room dental case for a child with early childhood dental care can be as much as \$7,000 because of the unique geography.

Mr. MORAN. Mr. Teuber, I hate to interrupt you, but I am serious on this one at this time. You are still on the first part of your testimony. We are almost up to 5 minutes, and we are going to have to leave. And I do want to get Katherine in if possible. So if you could somewhat summarize and we could go to questions.

Mr. TEUBER. I appreciate that. On behalf of ANTHC and KANA, I thank you for providing the opportunity to testify today and allowing me to highlight what I believe to be among the most urgent of needs for our native population. I appreciate your consideration of our recommendations and particularly for giving consideration to addressing the tragedy of child abuse and dental health disparities



as both clearly are root causes for some of the challenges our native people confront. We need your help to deliver our children into adulthood without the burden and trauma of abuse and neglect and with improved dental health. Thank you.

[The statement of Andy Teuber follows:]

**Testimony of Andy Teuber**  
**Chairman/President, Alaska Native Tribal Health Consortium**  
**President/CEO, the Kodiak Area Native Association**

**House Committee on Appropriations**  
**Subcommittee on Interior, Environment, and Related Agencies**  
 March 23, 2010

Good afternoon Chairman Moran, Ranking Member Simpson and members of the Committee. My name is Andy Teuber, I am the Chairman and President of the Alaska Native Tribal Health Consortium (ANTHC) and the President and CEO of the Kodiak Area Native Association (KANA). For the FY 2011 Indian Health Service (IHS) budget we are requesting a \$15 million increase for dental health, \$10 million for a child abuse and neglect prevention initiative, an \$81 million increase in contract support costs, and an \$83 million increase for facility operational needs.

ANTHC is a statewide tribal health organization that serves all 229 tribes and over 135,000 American Indian and Alaska Natives (AI/AN) in Alaska. ANTHC and Southcentral Foundation co-manage the Alaska Native Medical Center (ANMC), the tertiary care hospital for all AI/ANs in Alaska. ANTHC also carries out virtually all non-residual Area Office functions of the IHS that were not already being carried out by Tribal health programs as of 1997.

KANA is a non-profit Tribal organization formed in 1966 to provide health and social services to AI/ANs in the Kodiak Island Area. The KANA service area includes the City of Kodiak and six Alaska Native villages: Akhiok, Karluk, Old Harbor, Ouzinkie, Port Lions, and Larsen Bay. ANTHC and KANA are both self-governance tribal organizations that compact with IHS to provide health services to AI/ANs under the authority of the Indian Self-Determination and Education Assistance Act, P.L. 93-638.

My testimony addresses the areas of deficiency in the IHS budget. I extend an invitation to members of this Committee to visit Alaska to see first-hand, the many successes we have been able to achieve in providing high quality health services throughout rural Alaska with its challenging environment. Such successes include our advanced, statewide telehealth network, community health aide program, numerous sanitation facilities construction projects, and the Alaska Native Medical Center, Alaska's only Level II Trauma Center.

All of the IHS budget items work together to achieve the objective of providing the best quality care possible to AI/ANs. Increases in the clinical and preventive services portions of the IHS budget are necessary, but their full value cannot be realized if other portions of the budget that provide essential support for those services are not adequately funded. Before health care can be delivered, many things have to be in place. For example, there must first be safe, adequately maintained facilities, suitable medical equipment and supplies, telephones, trained support personnel, and so on.

**I. Oral Health**

As a dentist, Ranking Member Simpson certainly is aware of the importance of good dental health to overall health. Indian Country faces considerable oral health problems. American Indians and Alaska Natives, especially children, continue to be plagued by oral health disparities. Alaska Native children suffer a dental caries rate of 2.5 times the national average. For AI/AN

children ages 2-4 the rate of tooth decay is 5 times the U.S. average. An astounding 79% of AI/AN children ages 2-5 have tooth decay, 60% of which are severe caries. One-third of school-aged children have missed school because of dental pain. Far too many have needed surgery to remove many or all of their baby teeth.

Due to the high cost of travel in rural Alaska, just one operating room dental case for a child with early childhood dental caries can cost up to \$7,000. An increase in appropriations for IHS dental health aimed at oral health promotion and disease prevention activities is a sound investment for improving the oral health of AI/AN children, but is an even better investment in reducing future oral health care costs.

Increases for dental health in the IHS budget the past few years have barely been sufficient to maintain the current service levels, which are grossly inadequate to meet the needs of Indian Country. A substantial program increase is warranted to address this issue and we request a 10%, or \$15 million, increase for dental health to be used for community oral health promotion and disease prevention which is essential to long-term improvement of the oral health of AI/ANs.

## **II. Child Abuse and Neglect**

Alaska has the highest reported, substantiated incidence of child abuse and neglect in the United States. The Alaska Department of Health and Social Services has reported that children in Alaska suffer abuse at six times the national average. Alaska Native children suffer disproportionately: Although less than 20% of the population, 45% of the reports to the Alaska Office of Children's Services and 51% of the incidents of abuse and neglect that Office substantiated in 2009 involved Alaska Native children. Approximately 75% of abused and neglected children are under 10 years of age.

The funding of the Domestic Violence Prevention Initiative in FY 2009 at \$7.5 million and \$10 million in FY 2010 was a great step in addressing the pressing domestic violence prevention needs in Indian Country. We would like to see a similar program instituted to address the equally important need for the prevention of child abuse and neglect and request that \$10 million be provided for a Child Abuse and Neglect Prevention Initiative.

## **III. Contract Support Costs**

In addition to the health care allocation, an essential element to the success of self-determination and self-governance is full funding for Contract Support Costs (CSC). I would like to thank this Committee for its commitment to addressing this important issue and the \$9 million increase for CSC that this Committee added to the President's budget request last year.

Indian tribes and tribal organizations are the only federal contractors that do not receive full CSC. There is a clear obligation on the part of the federal government to fully fund CSC. But more importantly, lack of full funding for CSC has a very real and detrimental impact on our programs that are already substantially underfunded. CSC is used to pay for items that we are required to have but are not otherwise covered by the IHS budget either because another governmental department is responsible or because the IHS is not subject to that particular requirement. Examples include federally-required annual audits and telecommunication systems. We cannot operate without these things, so when CSC is underfunded we have to use

other program funds to make up the shortfall which means fewer providers that we can hire and fewer types and quantity of health services that we can provide to our patients.

From 2002 to 2009, while there were virtually no increases for IHS CSC appropriations, the level of tribal CSC need increased by over \$130 million. During that period, as our fixed costs increased every year, all major tribal health programs in Alaska were forced to layoff staff due to lack of funds.

With full funding of our CSC needs, ANTHC would be able to fill scores of support positions, such as enrollment technicians, financial analysts, medical billing staff, professional recruiters, maintenance technicians, security officers, information technology support and professional support staff.

Thanks to this Committee there was a substantial increase for IHS CSC in FY 2010. However, even with that increase IHS CSC is still only funded at 80% of the full funding our contracts require. We request an increase of \$150 million for CSC in order meet the full IHS CSC requirement. If that is not possible given the current financial environment, we would like to see full funding for CSC within three years. To accomplish this, based on the latest data available, it would require an increase of approximately \$81 million in each of the next three years.

#### **IV. Facility Operational Needs**

When addressing facility needs, it is important to look beyond new construction. In order for existing facilities to remain functional and provide maximum use, it is also important to adequately fund Medical Equipment Replacement, Facility and Environmental Support, Maintenance and Improvement and the Village Built Clinic Lease Program. Adequate funding for these programs will ensure that the facilities we build today will be available for continued use into the future. Thus, we recommend an increase of \$83 million for these needs as more specifically described below.

##### **A. Medical Equipment Replacement**

In order to assure patient safety, the industry standard for the replacement of medical equipment is an average of every 6 years. Unfortunately, current IHS medical equipment funding levels cover only one-third of the level of need. Thus, equipment that should have been replaced after 6 years often continues to be used for 18 years or longer. Medical equipment maintenance and replacement presents obvious patient safety issues, and some tribes are forced to divert funds from direct patient care to make up this gap. This year medical equipment funding is \$22.7 million, when the annual need is actually \$68 million. We request a \$45 million increase for medical equipment.

##### **B. Facility and Environmental Support Funding**

Facility and Environmental Support (FES) funding provides for the maintenance staff and basic operations of health facilities, including utilities. These funds also pay for Area office programs, like core staffing for health facilities, environmental health, and sanitation construction.

The level of funding has stayed relatively flat or received small increases (less than 2%). Funding for FES has not kept up with the rising cost of salaries and double digit annual increases

in energy costs. We recommend that an increase of \$5 million annually for FES to meet the current national need.

#### **C. Maintenance & Improvement**

Maintenance and Improvement (M&I) funds are used to maintain facilities so they can continue to be used in the future. Unfortunately, the level of M&I funding is substantially lower than what is needed. It is estimated that the base M&I funding needed to just sustain the facilities in their current condition should be \$80 million annually. Because funds have not kept pace with the need, there is a tremendous backlog of maintenance needs. In October 2009, IHS estimated \$476 million was needed just to get caught up.

Failing to maintain existing facilities will only hasten the need for new construction. Health programs with existing facilities have tremendous and growing maintenance and improvement needs especially those with older facilities. We recommend that the M&I appropriation be increased by \$26 million to sustain existing facilities and to address the over \$476 million backlog of maintenance and improvement issues.

#### **D. Village Built Clinic Lease Program**

The Village Built Clinic (VBC) Lease Program funds rent, utilities, insurance, janitorial, and maintenance costs of healthcare facilities in villages in rural Alaska. Despite an increase in the number and size of clinics throughout Alaska as well as the rapidly increasing fuel costs, funding for the VBC Lease Program has barely increased since 1996. Current funding for leases covers less than 60% of the current operating costs and those costs are expected to continue to increase sharply as energy costs continue to skyrocket in rural Alaska.

Without additional funding for the VBC Lease Program, Alaska villages will be increasingly forced to reduce clinic operations and defer long term maintenance and improvement projects. This situation reduces the health care available locally to village residents and threatens the nearly \$200 million investment in these facilities by the federal government, Alaska villages, and the regional tribal health organizations in the Alaska Native health care system.

Thus, we recommend an increase of \$7 million in funding for the VBC Lease Program to the current program base of the VBC Lease Program. These funds are required immediately to sustain the program, covering the expected operating costs in FY 2011 as well as establishing funding for long-term maintenance and improvement. Without this funding, many of Alaska's villages will not be able to continue supporting local clinics, eventually leading to serious consequences for the health and safety of Alaska Native people.

On behalf of ANTHC, KANA and myself, I thank you for providing me the opportunity to testify today and highlight some of the most urgent needs for AI/ANs. I appreciate your consideration of our recommendations for additional funding to improve the level, quality and accessibility of desperately needed health services for AI/ANs whose health care status continues to lag far behind other populations in Alaska and in this Nation, and for giving special consideration to addressing the tragedy of child abuse with a Child Abuse and Neglect Prevention Initiative. I would be happy to provide any additional information the Committee may find helpful on these issues.

Mr. MORAN. Thank you. A very important statement, and thank you for making the committee aware that almost four out of five Indian children between the ages of 2 to 4, Alaska native children, have tooth decay and 1/3 miss school because of that. It is understandable when dental care costs up to \$7,000 because of the travel. I did not know that Alaska had the highest rate of child abuse. It is very disturbing, but we do appreciate you bringing it to our attention. Mr. Young?

Mr. YOUNG. That is fine. Let's hear from Katherine.

Mr. MORAN. Mr. Cole, do you want to—okay, very good. We now will hear from Katherine Gottlieb who is the President and CEO of the Southcentral Foundation in Alaska.

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TUESDAY, MARCH 23, 2010.

### **SOUTHCENTRAL FOUNDATION, ALASKA**

#### **WITNESS**

#### **KATHERINE GOTTLIEB**

Ms. GOTTLIEB. Thank you, Chairman Moran, Ranking Member, Mr. Cole and Congressman Young, and committee members for hearing my testimony today.

My name is Kathy Gottlieb and I am the President and CEO of Southcentral Foundation for the last 17 years, and we have carried out various programs under compact from the Secretary of Health and Human Services for the last 25 years and under tribal leadership, Southcentral Foundation's Nuka Model of Care, of healthcare, redesigned the way Indian Health Service provides services, and people from across the world have come to see what we have done in the redesign of our health system.

SCF's Nuka model includes primary care services to 50,000 Alaskan Native American Indians in Alaska, and it covers Anchorage, Matsu Valley and 55 villages throughout Alaska, and it is an area covering about 100,000 square miles.

SCF employs more than 1,400 employees, and we also jointly own and manage the Alaskan Native Medical Center with the Alaska Native Tribal Health Consortium, Andy Teuber is the chair.

For many years, I have been an advocate for an increase in contract support costs, funding for tribes, and I want to pause just for a moment, even if it takes 2 minutes or so of my time, and the reason I want to pause is to thank this committee and this Congress for the increase that we have had, this historic increase in contract support costs for 2010. And for this, I am truly grateful as a President, CEO and tribal leader of Alaska.

We have the hope and we have the belief of this committee and this Congress that we may finally have full funding for contract support costs in fiscal year 2011, and that is my prioritized request. In our world, we are addressing the highest disparities, cancer, obesity, child sex abuse, domestic violence, child neglect. And these are our top health issues. Without these funds, we are unable to do this.

I am going to summarize my testimony because of your time, and I strongly urge this committee and Congress to fully fund tribal

contract support costs. The majority of SCF's contract support costs are comprised of fixed overhead costs that are determined by indirect rates, and the remainder of the contract support cost is set directly by the IHS through negotiations. Together there are fixed costs that Southcentral Foundation occurs every single year.

And I strongly emphasize that the contract costs cover critical infrastructure. They cover federally mandated costs such as annual independent audits, liabilities, property insurance, worker compensation payroll systems, purchase supplies, costs that track property and equipment. And if contract support costs appropriations are not provided, we will have to do what we have been doing for several years and that is we have no choice but to make up the difference through staffing and service reductions. And what that means is a shortfall, and it is a direct impact on our healthcare and it is also a direct impact on jobs. And our request specifically is this. We are asking that Congress increase the President's fiscal year 2011 budget request for contract support costs from \$45 million to \$150 million. If this is not possible, then a total increase to \$80 million next year and a like increase of \$35 million every year for the following 2 years would eliminate that contract support cost shortfall in 3 years. And what this means is it is critically needed. It is a side benefit. One hundred percent of these funds would go to the creation of good jobs at a time of severe stress in the Nation's economy, thereby increasing employment in some of the depressed parts of the United States.

The bottom line is this. Contract support costs means jobs. Southcentral Foundation is anxious to fill as many vacancies as possible, those that we have been unable to fill because of the shortfall. If as we project, SCF alone would create 100 jobs from that funding and the associated increase in third-party revenues that SCF would collect from these positions.

The IHS needs your help like you have already done in this last year. We ask that they would be able to honor the agency's obligation to all the tribes across the Nation. We have taken on this responsibility. We have shouldered this shortfall way too long. It really costs us.

And thank you again for granting me the opportunity to testify on this critical issue on behalf of SCF and the tribes across the Nation.

[The statement of Katherine Gottlieb follows:]

**Hearing before the House Appropriations Committee  
Subcommittee on Interior, Environment and Related Agencies  
On Native American Issues  
March 23, 2010**

**Testimony of Katherine Gottlieb, M.B.A.  
President/Chief Executive Officer, Southcentral Foundation**

My name is Katherine Gottlieb. I am the President and Chief Executive Officer of Southcentral Foundation in Alaska. Southcentral Foundation is a Tribal organization that compacts with the Secretary of Health and Human Services under Title V of the Indian Self-Determination Act to carry out various programs of the Indian Health Service. In doing so, Southcentral Foundation acts pursuant to Tribal authority granted by Cook Inlet Region, Inc., an Alaska Native regional corporation. Southcentral Foundation has carried out IHS programs under Self-Determination Act agreements for more than 25 years.

In accordance with its compact with the IHS, Southcentral Foundation currently provides medical, dental, optometric, behavioral health and substance abuse treatment services to over 45,000 Alaska Native and American Indian people living in the Municipality of Anchorage, the Matanuska-Susitna Borough, and nearby villages. Southcentral Foundation also provides services to an additional 13,000 residents of 55 rural villages throughout Alaska, covering an area of over 100,000 square miles. Southcentral Foundation employs more than 1,400 people to administer and deliver these critical healthcare services.

This Committee approved a historic increase in "contract support cost" appropriations for FY2010, for which Southcentral Foundation is deeply appreciative. I requested the opportunity to testify today so that I could strongly urge this Committee and the Congress to fully fund Tribal contract support costs for FY 2011.

As this Subcommittee is well aware, for many years the IHS has underfunded the federal government's contract support cost obligations to the Tribes and Tribal organizations that operate IHS clinical facilities and other healthcare programs. For Southcentral Foundation, the result has been severe, as I will explain.

The majority of Southcentral Foundation's contract support costs are comprised of fixed overhead costs that are determined by an indirect cost rate that is approved by the Department of Health and Human Services' Division of Cost Allocation. The remainder of the contract support costs is set directly by the IHS through negotiations. Together, these are the fixed costs that Southcentral Foundation actually incurs every year. These costs are independently audited each year by Certified Public Accountants, as required by law, and the results of those audits are used to recalculate our fixed contract support costs in future years.

Even though OMB circulars require the IHS to honor these costs, and despite the fact that the Indian Self-Determination Act mandates that full contract support costs must be added "in full"



to Southcentral Foundation's Self-Governance compact, historically, the IHS has never fulfilled those obligations, due to insufficient contract support cost appropriations. Historically, the IHS has also never met its obligation to inform Congress mid-year of the amounts it owes Southcentral Foundation, and it has never requested supplemental appropriations to address those shortfalls. Instead, the IHS has adopted a practice of issuing its shortfall reports one year late, long after Congress can do anything about it through the supplemental appropriations process.

While I appreciate that contract support cost shortfalls are partly the result of fiscal constraints, those constraints should not fall disproportionately on a Tribal organization like Southcentral Foundation. On the one hand, when fiscal considerations lead Congress to underfund a program, the burden of that decision is shared equally between the IHS-operated portion of the healthcare delivery system and the Tribally-operated portion of that same system. But when budgetary considerations lead to reduced funding for contract support costs, Tribes and Tribal organizations like Southcentral Foundation bear the full brunt of the funding reduction because parallel programs that remain under IHS operation are entirely protected from those funding decisions. Thus, the contract support cost shortfall disproportionately balances budgetary constraints on the backs of Tribal contractors alone. If Congress is going to cut budgets or limit budget increases, fairness demands that such actions occur in portions of the budget that are shouldered equally by the IHS and Tribal organizations like Southcentral Foundation.

I want to strongly emphasize that contract support costs cover Southcentral Foundation's critical infrastructure. They cover federally-mandated costs such as annual independent audits, and they also cover items such as liability and property insurance, worker compensation insurance, and even payroll systems. We have to buy insurance. We need to make payroll. They also cover the purchase of supplies, as well as the costs to track property and equipment. If contract support cost appropriations are not provided, Southcentral Foundation is left with no choice but to make up the difference through staffing and service reductions. As a result, the shortfall has had a direct impact on employment – or rather, unemployment. In short, contract support cost shortfalls mean lost jobs.

At even a high estimate of \$100,000 per average full-time equivalent employee, every \$1 million loss in our contract support cost payments initially costs Southcentral Foundation 10 jobs. But for Tribal organizations like Southcentral Foundation, who have agreements with the IHS, the impact is even worse, since the reduction in services also means a reduction in revenues from Medicare, Medicaid and other third-party insurers and payers. Therefore, the true job loss for Southcentral Foundation is over 20 positions.

But Southcentral Foundation's loss is far more than \$1 million. After FY 2008 closed, the IHS calculated our contract support cost requirement at \$25.5 million, yet it left Southcentral Foundation short by approximately \$10.7 million. The impact of such a large shortfall on jobs was stunning, and it severely constrained our ability to meet the healthcare needs of the Alaska Native and American Indian population in our service area. Southcentral Foundation lost the ability to hire doctors, nurse practitioners, home health workers, psychiatrists, mental health clinicians, dentists, dental hygienists, optometrists, pharmacists, and substance abuse counselors – and I could list many more. Things only got worse in FY 2009, when Southcentral Foundation lost another \$12.8 million, out of a \$28.3 million contract support cost requirement.

As I mentioned at the start of my testimony today, Southcentral Foundation is very grateful for this Committee's approval of a historic increase in contract support cost appropriations for FY 2010. Thanks to Congress's committed support, in the next few weeks Southcentral Foundation expects to receive a significant increase – although we will still be left with a multi-million dollar shortfall. While Southcentral Foundation will use the new funding we receive to fill several job vacancies, as a result of the continuing shortfall, many other positions will remain unfilled going into FY 2011.

In May 2009, the IHS projected an approximate \$150 million nationwide shortfall for all FY 2011 contract support cost requirements. While the President's proposed budget increase of \$46 million for the IHS is a significant step in the right direction, this amount is obviously insufficient to meet current requirements and will leave an unfunded contract support cost shortfall of \$105 million. In fact, the increase is barely enough to cover the added contract support cost requirements associated with the budgeted program increases, and does not devote even one penny to reducing the historic backlog in contract support cost underpayments. Clearly, far more must be done to meet the government's obligation to fully fund the contracts it has awarded to Southcentral Foundation and to all the other Tribes and Tribal organizations in the Nation.

I am here today to ask Congress to increase the President's FY 2011 budget request for contract support costs from \$45 million to \$150 million. To the extent appropriating this larger amount is not possible, Southcentral Foundation requests that the Committee make a commitment to eliminating the remaining shortfall over a defined and relatively short period of time. For example, if the Committee added \$35 million to the \$45 million already requested by the President, for a total of \$80 million, in 3 years the existing shortfall would be eliminated. As a critically-needed side benefit, 100% of these funds would go into the creation of good jobs -- at a time of severe stress in the Nation's economy -- thereby increasing employment in some of the most depressed parts of the United States.

The bottom line is this: contract support costs mean jobs, and Southcentral Foundation is anxious to fill as many vacant positions as possible, as soon as possible. If, as we project, Southcentral Foundation were to receive \$4 million out of an additional \$80 million increase above the President's request, we would eventually create 100 jobs from that funding and the associated increase in third-party revenues that Southcentral Foundation would collect. In short, the IHS needs Congress' help to honor the agency's contracts. If that help can come, whether in 1 year or in 3, Southcentral Foundation will be able to substantially restore healthcare services in the greater Anchorage area to their originally budgeted levels and, by doing so, significantly increase local employment.

Thank you for granting me the opportunity to testify on this critical issue on behalf of Southcentral Foundation.

Mr. MORAN. Thanks very much, Ms. Gottlieb, and Mr. Teuber. Mr. Young, did you have any questions?

Mr. YOUNG. One question, Katherine. On the contracting, you negotiate with the Indian Healthcare Service?

Ms. GOTTLIEB. Yes, we do.

Mr. YOUNG. Separately?

Ms. GOTTLIEB. Yes, we do.

Mr. YOUNG. If this committee appropriates the money, what assurance do we have that they negotiate in good faith?

Mr. YOUNG. They will negotiate in good faith. They have in the past. We have a methodology. Once the money is allocated to Indian Health Service, we will receive those contracts——

Mr. YOUNG. Okay, because you will not be caught in a shortfall then by them not paying because you have to do it up front?

Ms. GOTTLIEB. Right. Well, we have been caught short in the shortfall only because the money has not been allocated, and IHS will allocate those monies to the Indian tribes.

Mr. MORAN. Mr. Cole.

Mr. COLE. Just number one, thank you very much, and thank you for the tremendous work you do. I sort of have a sense you are both on the wrong side of this table, but we need to keep Mr. Young as long as we can.

Mr. YOUNG. Thank you.

Mr. COLE. Let me ask you this, Doctor. It is really maybe not directly about your clinic, but I am very interested in the contracting process whereby you manage your own healthcare outcomes because my experience has been, certainly in my tribe, that once we were able to take over those services ourselves and contract for ourselves, and frankly eight other tribes in our area, healthcare got a whole lot better just because you really had a direct tribal involvement in the management of the delivery, and even with the resources and challenges that we all have in this area, that fundamental change and moving tribes forward as quickly as they can being able to manage their own healthcare was a good thing. I would love to hear your perspective and experience to see if it is——

Mr. MORAN. Mr. Cole, I am terribly sorry to do this, but we had several minutes remaining 1 minute ago.

Mr. COLE. Mr. Chairman, I understand.

Mr. MORAN. We still have some members who have not voted, but they are all going down to vote now and if you have a quick response, maybe we could get that in and then I think we are going to have to go.

Ms. GOTTLIEB. I have a very quick response for Mr. Cole. I would say that if all tribes would assume the management from the Indian Health Service and take responsibility for their own healthcare, they will drive health disparities down.

Mr. MORAN. Perfect.

Mr. COLE. Thank you.

Mr. MORAN. That is a perfect way to end. And Mr. Teuber, thank you. That was excellent testimony, and thanks for the emphasis on dental and particularly child abuse. It was very good. We really appreciate you being here.

[Recess.]

Mr. MORAN. Again, some housekeeping here. As compelling as all this testimony is going to be, we are going to have to get stricter because of the delay attributable to the votes. We have got to end this at 4:00, so we are going to have to go through in almost lightning fashion. So the more concise the statement, the more appreciated probably the more persuasive, perhaps.

We will next hear from John Mousseau who is the Councilman of the Oglala Sioux Tribe in South Dakota. Nice to have you with us.

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TUESDAY, MARCH 23, 2010.

**OGLALA SIOUX TRIBE, SOUTH DAKOTA**

**WITNESS**

**HERMES "JOHN" MOUSSEAU**

Mr. MOUSSEAU. Thank you, sir. Good morning, Mr. Chairman, committee members. My name is Hermes John Mousseau. I am a member of the Oglala Sioux Tribe Judiciary Committee. I am also a former police officer. I am here representing the Oglala Sioux Tribe. President Two Bulls regrets that she cannot be here to present this herself.

Our Pine Ridge reservation is roughly the size of Rhode Island, making us the second-largest reservation in the United States. Our population is upwards between 50,000 and 20,000 coming on and off yearly. Our per-capita for a family of four is roughly \$7,500 a year, and we also have an 80 percent unemployment rate.

Now, our law enforcement, our 911 system, receives 77,000 calls for police service a year. All of those calls are answered by 50 police officers. That means we average around 15 police officers per shift, provided none are injured, sick or on regular scheduled days off.

And while the BIA's own studies say we need 110 police officers, we only have 50 police officers so we are currently way under-funded as far as our needs of the population base. This is true even though our salaries are far lower than what the BIA police officers receive. Our police officers are only making an average of \$31,000 a year with no medical, retirement or healthcare benefits. And the BIA under the 638 contract, our police officers are supposed to be guaranteed a wage or a salary that is comparable to a BIA law enforcement officer which we are far below. And yet, our officers still choose to work on our reservation and provide services.

Not only is our response time ridiculously slow in Pine Ridge, our shortage of officers means that each one of them has to work alone with backup at least 30 minutes away. On a reservation with as much violence, alcoholism, drugs and gangs as ours, this is an extremely dangerous situation, and a number of officers are injured on the job every year. I myself was shot in the line of duty, and the officers who responded to my calls for assistance took 30 minutes to arrive. Now, can you imagine being in a situation where you are wounded in the line of duty and waiting for 30 minutes for assistance?

Mr. Chairman, while we appreciate the increases that this subcommittee has provided to law enforcement programs over the past few years, I respectfully say that they are simply not enough. And like I emphasized before, studies show where we need 110 officers just based on our old 2000 population which—go up. So we do need more time, more officers. And back home we were shocked and quite a bit angered when we had learned that the BIA was ready to give \$19 million of the BIA budget to the FBI.

While we are first to agree that we need more arrests and prosecutions of violent crime in Indian country, we also know that because the FBI is at least 1½ hours away from our reservation, our police officers are going to be the ones who respond, transport the victims, secure the crime scene. To reward the FBI for failing to perform what is already their authorized responsibility and to pay the reward with our precious tribal funds is just plain wrong. While the DoJ programs that the tribes compete for do provide a great source of income, purchasing certain unique equipment and for funding certain specialized training, I must state emphatically that they must not be seen as a replacement for, or a supplement to, BIA-based law enforcement because as you know, DoJ does now have indirect funding, they are competitive and they are unreliable from year to year.

For these reasons, I respectfully request that you do everything in your power to increase the BIA-based law enforcement funding by at least 50 percent each year for the next 3 years, and without this increase crime on the reservation will not decrease.

Now to tribal court funding. Given the fact that your tribal court is severely understaffed and underfunded and our backlog is over a year, we were shocked to see that the Administration is proposing a cut in tribal court funding, and you know, law enforcement alone is not going to combat these crimes. We also need a sound, well-trained, well-equipped, and well-funded judicial system to put those arrested in jail. How can you stop crime when you cannot afford to hire judges and prosecutors?

So we are requesting an increase of the court's funding for 30 percent, and we also would appreciate this assistance for the Pine Ridge Justice Facility. Let me bring your attention to the Medicine Root Facility. When the BIA came in for the Pine Ridge Justice Facility to ask us which one of our two jails we wanted to replace, we chose Pine Ridge because of the larger population. But our Kyle Facility was granted \$3 million by this subcommittee for repairs, and our own estimate of \$11.9 million for repairs just to fix it, to bring it up to code. But we still need the \$93 million to keep the building open, but we are asking, simply asking, instead of putting a Band-Aid approach on this, we want a new building that would be up to code.

[The statement of Hermes John Mousseau follows:]

**TESTIMONY**  
**OF**  
**HERMES MOUSSEAU, OGLALA SIOUX TRIBE**  
**March 22, 2010**

Good Moring Mr. Chairman: My name is Hermes "John" Mousseau and I am a member of the Oglala Sioux Tribal Council and the Tribe's Judiciary Committee Chairman. I am also a former Tribal Police Officer. President Two Bulls regrets that she is not able to present this testimony in person, but we have some emergency situations at home that require her presence. I will focus my oral testimony on just a few very pressing items. Because our law enforcement and tribal court are in extreme need of attention, I will start with those two programs, but before doing so, let me refresh your memory about Oglala.

Our Pine Ridge Reservation is about the size of the State of Rhode Island, making us the second largest reservation in the United States. We have an on-reservation population of around 55,000, with another 20,000 coming on and off our reservation every day. We are located in one of the three poorest counties in the United States. Our unemployment rate ranges around 80% and our per capita income for a family of four is still around \$7,500. Criminal jurisdiction over offenses involving Indians is federal and tribal. The State police does not patrol our reservation.

Our 911 system receives around 77,000 calls per year for police service, and those calls are answered by our 50 officers. That means we average around 15 officers a shift. Given our size, this can make our response time almost an hour, even in cases of violent crime. While the BIA's own studies say that we need 110 officers on our reservation, today we are only able to afford 50 officers on the amount that the BIA provides. This is true even though our salaries are far lower than those offered by the BIA to its own officers, and even though we provide no medical insurance and only a fraction of the benefits BIA officers receive. BIA regulations state that tribal law enforcement officers employed under a P.L. 93-638 should be paid salaries equal to those paid to BIA Officers, but given our BIA budget, we are left with the terrible choice of cutting our police force to pay a decent wage to our officers or keeping our 50 officers at below a real living wage. We have officers that have been with us 10- 20 or more years, who have never had a real salary increase since they started.

Not only is our response time ridiculously slow, our shortage of officers means that each one of them has to work alone, with back up at least 30 minutes away. On a reservation with as much violence, alcoholism, drugs and gangs as ours, this is an extremely dangerous situation, and a number of officers are injured on the job every year. I myself was shot in the line of duty and the officer who responded to my calls for help did not arrive for almost a half an hour. I know that some of the members of this Subcommittee have been in combat, and I am sure that they can all attest to the fact that 30 minutes is a very long time to wait for help when you are wounded and your life is still being threatened.

Mr. Chairman, while we appreciate the increases that this Subcommittee has provided to the law enforcement program over the past few years, I have to respectfully say that they were simply not enough. Our community had around 98 officers in FY 2000, which is 48 more than we have right now, and according to the BIA, we need a minimum of 110 officers just to stay afloat. We did receive some additional funding in FY 2007 – 2009, but all that did was allow us to avoid terminating some of the officers that DOJ was funding with its competitive grants. So, while we greatly appreciate the help that we received, the fact remains that even with those increases, we still have 48 less officers than we had in 2000 and crime rates 5 times as high.

Mr. Chairman, I know how tight the federal budget is right now, but I have to tell you that this underfunding of BIA law enforcement has to be addressed, because on-reservation crime is on the rise. That is why we, at Pine Ridge, were shocked and more than a bit angered by the Administration's proposal to transfer \$19 million from the BIA law enforcement program to the FBI. While we will be the first to agree that we need more arrests and prosecutions of violent crime in our Indian communities, we also know that because the FBI is at least an hour and a half from our reservation, the first responders to those calls will have to be our tribal officers who have to secure the scene, transport the victim and collect the initial witness statements until the FBI can arrive. To reward the FBI for failing to perform what it is already their authorized responsibility, and to pay that reward with our precious tribal funds is just plain wrong. If the FBI needs more money to deal with on-reservation crime then let them ask for it as a part of the DOJ appropriation, don't just give them the dollars that we need to answer the call from the rape victim or abused child.

While the DOJ programs, that tribes compete for, do provide a great source of income for purchasing certain unique equipment and for funding certain specialized training, I must state emphatically that they must not be seen as a replacement for, or even a supplement to, the BIA base law enforcement budget. Those DOJ funds are competitive, many require matches, and they cost us money to operate, because they pay no indirect cost. Most importantly, however, they provide a totally unreliable source of funds. We never know when, or even if, we are going to be funded. In fact, we are at the end of the second quarter of our 2010 fiscal year and we are still waiting for application materials from DOJ for the FY 2010 DOJ funds that were specifically earmarked by this Congress to replace some of our police vehicles and equipment.

For all of these reasons, I am here to respectfully request that you do everything in your power to increase BIA law enforcement funding by at least 50 % each year for the next three years. Without those types of increases, you will not see a decrease in on-reservation crime. We would also ask that you take the steps necessary to get those funds down to the local tribal level. The BIA law enforcement program received a \$25 million increase in FY 2010, but we have not seen a penny of that money at Pine Ridge.

Now to tribal court funding. Given the fact that our tribal court is severely understaffed and so underfunded that our back log is over a year, we were shocked to see that the Administration is proposing a cut in BIA tribal court funding. Common sense dictates

that law enforcement alone is not going to stop crime in Indian Country. We also need a sound, well trained, well equipped and well funded judicial system to put those arrested in jail. How can you stop crime when you can't afford to hire the judges and prosecutors that you need, or even automate your court files? So, please do whatever you can to get rid of this ridiculous cut and instead increase our court funding by at least 30%.

Finally, to our facility issues. First, I would like to thank you for the FY 2009 facilities construction monies that you provided us with, and tell you that our work on the new Pine Ridge Justice Center, funded with those dollars, is going well. The BIA has advised us that it has enough previously appropriated dollars to finalize that construction, but I would like to reserve the opportunity to come back to this Subcommittee, if they are proven wrong.

While we appreciate this assistance for Pine Ridge, we are still facing a real crisis with our Medicine Root jail. Remember, because of the size of our reservation and the size of our population, we are forced to operate two jails and two courts, one to serve the east side of our reservation, and one to serve the west. Our Medicine Root Jail and the police substation, which houses our 911 operation, are both falling apart and fail to meet a long list of minimum federal requirements. In fact, when the BIA received its construction funds last year, they basically asked us which one of our two jails we wanted replaced first.

When we picked Pine Ridge, the BIA was concerned enough about Medicine Root that it actually asked for, and this Subcommittee actually appropriated for FY 2010, a little over \$ 3 million to repair our Medicine Root Jail. But that won't come close to fixing the problem. In fact, the preliminary estimates that we have been given say that we need at least a total of \$11.6 million just to address the most important items on the punch list at Medicine Root, and this repair estimate does not cover all improvement and repairs necessary to meet basic code requirements. To make matters worse, many of the restrictions placed on the BIA repair and renovation funds, make it all but impossible to fix some of our real problems. This is because we cannot use those monies to change the footprint of the building, and because when we go to repair certain items, new federal health and safety codes require us to reduce our detention space in that building to accommodate new minimum federal space standards for things like bathrooms. Thus, I am here today to ask you again for the funding to replace that building. Please understand, however, that even you choose to do that, instead of trying to find the additional \$ 8.6 million that we need in order to repair just some of the most critical items, we still need all of the \$3 million repair money that you previously appropriated, just to keep Medicine Root open until that new construction can be completed.

Now let me turn to something that needs the attention from both you and the authorizing committee- the President's Broadband initiative. Today, most of the residents on our reservation do not have access to high speed internet and the services that are provided in some areas of our reservation are costly and unreliable. This lack of internet capability is hampering our police and other emergency service providers, our medical teams and our schools. For all of these reasons, Pine Ridge was one of the first tribes in the country to



call for a broadband application package when the Recovery Act funds were announced. Unfortunately, when that application package arrived we, like the other tribes who received it, found that it was impossible for us to fill out, because we lacked the expertise to do so. In fact, it seemed like just about every section of the application required another engineer to certify another page of the application itself. We spoke with a number of professionals and determined that it was going to cost us around \$200,000 just to contract with the people we need to fill out the competitive application. For this reason, we are asking the members of this Subcommittee to have a conversation with their counterparts on the full Committee and the authorizing Committees to see if there is anyway that some of the Broadband ARA funds that are still sitting in the Agriculture and Commerce Departments can be transferred to BIA and authorized for use in providing technical assistance and funding to tribes like Oglala who are desperately in need of broadband services. Our area is far too large to make it cost effective for a private company to come on and install these services at their own expense. They will never recoup the construction costs. So, this is the only solution that we and a number of the other large land based tribes have arrived at to get us the services that the President has proposed.

Now just a few comments on the Indian Health Service. The FY2011 President's budget request for IHS is a major step in the right direction, however, we would respectfully point out that these overall increases barely adjust for losses sustained by the IHS and our communities for lost inflationary growth and several severe rescission years. We therefore urge the Subcommittee to strengthen our health funding, especially as the IHS and Tribes will be expected to play a critical role in the new health care era.

Our funding limitations leave us with deferred patient care. This deferred care often results in a costly medical crisis that could have been avoided and more reasonably financed when an illness or injury was in its early stages. While we are fortunate to have an IHS hospital, the existence of this hospital does not diminish the demand for private health provider assistance and our Contract Health Program is still a significant portion of our delivery system. Yet, I have learned that any CHS program increases see an automatic 25% set-aside for regions without inpatient facilities. Such regions, of course, have a special need for CHS funding. However, to assume that once a Tribe has a hospital its community health needs are being principally met is a disservice to our Tribe and our Region.

The FY 2010 CHS increase over the prior year was \$117M, with \$17M targeted for the Catastrophic Health Emergency Fund (CHEF). The Aberdeen Area only received only \$7 million from this general CHS increase. The total FY2010 CHS account was funded at \$779.347M, yet Aberdeen for all its population, remote locations and heavy reliance on private providers for specialty and urgent care only received \$79 million. The result is that in FY2009, we had 941 deferred cases and the total denials in of 41,266 cases. This is disturbing given that there are two regions which are able to sustain full CHS coverage for all priority levels. We therefore call upon the Subcommittee to examine the Indian Health Service's methods for allocating CHS dollars and to provide a real increase in our CHS funds.

Mr. MORAN. Thank you, Councilman Mousseau. This was important testimony. It is unbelievable that you have half the officers that you had a decade ago, and you have got five times the crime. It needs to be addressed, and it is amazing that your officers are getting paid so much less than BIA officers and do not even get health insurance. It needs to be addressed. I appreciate it. We could talk about just Pine Ridge Reservation alone all afternoon. Unfortunately we do not have that time, but I much appreciate your coming to testify. Thank you very much. And I am sorry, we just have to do this in such an expedient manner, but I appreciate it.

Mr. MOUSSEAU. Thank you for the opportunity, and we would be pleased if you gentlemen would come to the Pine Ridge Indian Reservation and show you first hand what we are talking about.

Mr. MORAN. I do want to go to Pine Ridge, and I am sure Mr. Cole does as well. But more importantly, we would like to get you some resources. More than getting us out to the reservation, we need to get some money to you. But thank you very much. We appreciate it very much, Councilman Mousseau.

Mr. MOUSSEAU. Okay. Thank you.

Mr. MORAN. Thank you. Very good. Tom I am going to move on because we have to catch up on time due to the votes.

Next we have Mr. Zorn, Jim Zorn, the Executive Director of the Great Lakes Indian Fish and Wildlife Commission.

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TUESDAY, MARCH 23, 2010.

**GREAT LAKES INDIAN FISH AND WILDLIFE  
COMMISSION**

**WITNESS**

**JAMES ZORN**

Mr. ZORN. Mr. Chairman, Mr. Cole. Congratulations, Mr. Chairman. A picture is worth 1,000 words as they say, so as a lawyer, here is a picture to help remind the committee of who we are. My name is James Zorn. I am the Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission. On behalf of our 11-member tribal nations and their 38,000 members in the 60,000-square-miles service area that we cover, we thank you for what you did last year to help us solidify the Rights Protection Implementation programs. And we are here again today to remind you. Many times I follow Billy Frank, and so I get to say, ditto. So I am sure you remember what he testified to this morning, so I will not repeat in the interest of time. But just so you know, we face a similar situation out in the Great Lakes. We have increasing demand for services. We have many unmet needs at a time when states and others are doing less, and when our communities are at important crossroads, especially in these economic times and with youth trying to figure out what they should do and getting them connected back to a key, back to mother earth, and understanding their roots and the life ways that the ancestors reserved for them in these treaties is a very important job.

And so the money that was restored last year was greatly appreciated, and we seek to get at least that much restored again this year because as I am sure you have heard, that goes a long way but there are certainly other unmet needs.

And so we just point out that restoration last year, we are down almost \$.5 to \$1 million from that simply because of proposed cuts in the base program, the contract support shortfalls, as well as the absorption of the fixed costs.

And so for Right Protection Implementation, the important point to remember is that if we are out to restore, let's not get back to where we were in a relatively short period of time.

Now, on the EPA, the Great Lakes Restoration Initiative, we have a challenge for the committee to help us think through. As you know, the Administration this year is proposing \$300 million for that program. Last year \$475 million was appropriated, \$375 million, you know, pick a figure somewhere in between there will probably work. Our focus is on how to get tribes at the table there. What we would like to see is to figure out a way to get some of that money devoted to tribes and get to them directly under self-determination. That has proven to be accountable, efficient and the best way—I believe, Mr. Cole, you talked about healthcare services in the hands of tribes. Get this money in the hands of tribes and you will get the type of results that we all want in restoring and preserving. Why should you have to destroy something before you get the funds necessary to keep it there in the first place?

And so we would like to figure out a way to work together. We are happy to talk to EPA. We have been talking to OMB and the Administration about that, how to get some of these dollars for these regional initiatives through whether it is BIA or some other way, I mean, clearly, for that intended purpose, but then more direct into the hands of the tribes where we can get them out to the field much more quickly without all the administrative overhead that you have.

So those are our two main focuses today. We know that both of the committee members here today understand these programs. We know you understand the needs, and anything we can do to give you the ammunition you need to help out, just let us know.

[The statement of James Zorn follows:]

**GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION**  
P. O. Box 9 • Oshkosh, WI 54861 • 715/682-6619 • FAX 715/682-9294

• MEMBER TRIBES •

**MICHIGAN**  
Bay Mills Community  
Keweenaw Bay Community  
Lac Vieux Desert Band

**WISCONSIN**  
Red River Band  
Lac Courte Oreilles Band  
Lac du Flambeau Band

Red Cliff Band  
St. Croix Chippewa  
Sokaogon Chippewa

**MINNESOTA**  
Fond du Lac Band  
Mille Lacs Band



**FY 2011 TESTIMONY**

HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
BY  
JAMES E. ZORN, EXECUTIVE ADMINISTRATOR  
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

**AGENCIES – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY**

**1. BIA RIGHTS PROTECTION IMPLEMENTATION: AT LEAST \$30,451,000** (same as FY 2010 appropriation).

**GLIFWC: AT LEAST \$5,619,000** (proportionate allocation within RPI program).

**Agency/Program Line Item:** Dept. of Interior, Bureau of Indian Affairs, Operation of Indian Programs, Trust-Natural Resources Management, Rights Protection Implementation, Great Lakes Area Resource Management.<sup>1</sup>

**Funding Authorizations:** Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes, specifically Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109.<sup>2</sup>

**2. EPA GREAT LAKES RESTORATION: \$475,000,000** (same as FY 2010 appropriation).  
**GLIFWC: \$1,200,000** (estimated annual need).

**Agency/Program Line Item:** Environmental Protection Agency, Environmental Programs and Management, Geographic Programs, Great Lakes Restoration.

**Funding Authorizations:** Clean Water Act, 33 U.S.C. s. 1268(c); and treaties cited above.

**GLIFWC'S GOAL – A SECURE FUNDING BASE TO FULFILL TREATY PURPOSES**

As Congress has recognized for over 25 years, funding for GLIFWC's conservation, natural resource protection, and law enforcement programs honors federal treaty obligations to eleven Ojibwe Tribes and provides a wide range of associated public benefits. GLIFWC seeks an inflation-adjusted secure funding base to: i) implement federal court orders and intergovernmental agreements governing the exercise of treaty-guaranteed hunting, fishing and gathering rights; and ii) participate in management partnerships in Wisconsin, Michigan and Minnesota.

<sup>1</sup> The requested BIA funds reflect GLIFWC's allocation of this line item that also funds the 1854 Treaty Authority.

<sup>2</sup> The rights guaranteed by these treaties, and the associated tribal regulatory and management responsibilities, have been affirmed by various court decisions, including a 1999 US Supreme Court case.

## ELEMENTS OF GLIFWC'S FUNDING REQUEST

**1. BIA RIGHTS PROTECTION IMPLEMENTATION: AT LEAST \$30,451,000.** In FY 2010, Congress addressed chronic underfunding of the Rights Protection Implementation (RPI) program by increasing this line item by \$12 million, a welcome increase but still far less than the tribes' total RPI needs. From this increase, the Administration provided GLIFWC with a much-needed \$1.7 million increase in its FY 2010 RPI funding to the current level of \$5,619,000. Unfortunately, in FY 2011 GLIFWC could lose at least \$450,000 – over 26% – of the FY 2010 \$1.7 million increase because of a proposed cut to its RPI funding, the absorption of fixed costs, and contract support cost shortfalls.

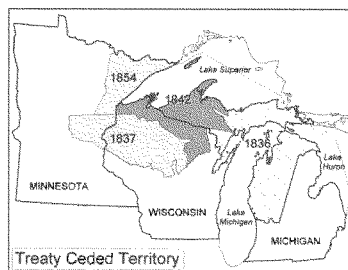
With the full FY 2010 funding amount and full contract support costs, GLIFWC would be able to create and sustain jobs that will protect and enhance natural resources and associated habitats. Specifically, GLIFWC could: i) fill at least 6 staff vacancies, ii) restore its long-standing fish contaminant and consumption advisory program, iii) reinstitute fall juvenile walleye recruitment surveys at previous levels, iv) restore tribal court and registration station funding, v) restore Lake Superior lamprey control and whitefish assessment programs, vi) restore GLIFWC's share in cooperative wildlife and wild rice enhancement projects, vii) replace ageing equipment, viii) meet expanding harvest monitoring needs and increased natural resource assessment responsibilities, and ix) meet uncontrollable increases in employee benefit costs.

**2. EPA ENVIRONMENTAL PROGRAMS AND MANAGEMENT: \$475,000,000.** GLIFWC supports continued funding for the EPA's Great Lakes Geographic Program (GLGP) and the Great Lakes Restoration Initiative (GLRI) at \$475 million, the same as the FY 2010 appropriation. It also recommends that at least \$25 million be provided to the BIA for tribes, to ensure they are able to undertake projects that contribute to the protection and restoration of the Great Lakes. Funding provided through the BIA should be made available under the Indian Self-Determination and Education Assistance Act.

In FY 2010, GLIFWC is proposing about \$1.2 million in GLGP/GLRI funding. If funding is sustained at this level, GLIFWC will be able to create jobs that will allow it to fully participate in the decision-making processes that affect the treaty rights of its member tribes, ensure that decisions are based upon sound science, and implement specific habitat and human health research projects relevant to the subsistence, economic and cultural needs of tribal communities. One particular priority is to undertake projects that evaluate the potential impacts of climate change on natural resources important to GLIFWC member tribes.

## CEDED TERRITORY TREATY RIGHTS – GLIFWC'S ROLE AND PROGRAMS

Established in 1984, GLIFWC is a natural resources management agency for eleven member Ojibwe Tribes regarding their ceded territory (off-reservation) hunting, fishing and gathering treaty rights. These ceded territories extend over a 60,000 square mile area in a 3-state region. GLIFWC's mission is to: i) ensure that its member Tribes are able to exercise their rights for the purposes of meeting



subsistence, economic, cultural, medicinal, and spiritual needs; and ii) ensure a healthy, sustainable natural resource base that supports those rights. GLIFWC is a “tribal organization” as defined by the Indian Self-Determination and Education Assistance Act. It is governed by a Constitution ratified by its member Tribes and by a Board composed of the Chairs of those Tribes.

GLIFWC operates a comprehensive ceded territory hunting, fishing, and gathering rights protection/implementation program through its staff of biologists, scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists. Its activities include: i) natural resource population assessments and studies, ii) harvest monitoring and reporting, iii) enforcement of tribal conservation codes in tribal courts, iv) funding for tribal courts and tribal registration/permit stations, v) development of natural resource management plans and tribal regulations, vi) negotiation and implementation of agreements with state, federal and local agencies, vii) invasive species eradication and control projects, viii) biological and scientific research, including fish contaminant testing, and ix) development and dissemination of public information materials.

#### **JUSTIFICATION & USE OF THE REQUESTED FUNDS**

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For over 25 years, Congress has recognized GLIFWC as a cost-efficient agency that plays a necessary role in: i) meeting specific federal treaty and statutory obligations toward GLIFWC’s member Tribes; ii) fulfilling conservation, habitat protection, and law enforcement functions required by federal court decisions affirming the Tribes’ treaty rights; iii) effectively regulating harvests of natural resources shared among the treaty signatory Tribes; and iv) serving as an active partner with state, federal and local governments, with educational institutions, and with conservation organizations and other non-profit agencies.

Particularly relevant to the requested EPA funds, Tribal members rely upon treaty-protected natural resources for religious, cultural, medicinal, subsistence, and economic purposes. Their treaty rights mean little if contamination of these resources threatens their health, safety, and economy, or if the habitats supporting these resources are degraded.

With the requested stable funding base, GLIFWC will:

**1. MAINTAIN THE REQUISITE CAPABILITIES TO MEET LEGAL OBLIGATIONS, TO CONSERVE NATURAL RESOURCES AND TO REGULATE TREATY HARVESTS:** Although it does not meet all GLIFWC’s needs, sustained funding at FY 2010 levels would go a long way in facilitating continued tribal compliance with various court decrees and intergovernmental agreements governing the tribes’ treaty-reserved hunting, fishing and gathering rights. It also enhances GLIFWC’s capability to undertake work and participate in relevant partnerships to tackle ecosystem threats, such as invasive species, habitat degradation and climate change, that harm treaty natural resources.

**2. REMAIN A TRUSTED ENVIRONMENTAL MANAGEMENT PARTNER AND SCIENTIFIC CONTRIBUTOR IN THE GREAT LAKES REGION:** With the requested EPA funding base, GLIFWC would maintain its role as a trusted environmental management partner and scientific contributor in the Great Lakes Region. It would bring a tribal perspective to the interjurisdictional mix of

Great Lakes managers<sup>3</sup> and would use its scientific expertise to study issues and geographic areas that are important to its member Tribes but that others may not be examining.<sup>4</sup>

**3. MAINTAIN THE OVERALL PUBLIC BENEFITS THAT DERIVE FROM ITS PROGRAMS:** Over the years, GLIFWC has become a recognized and valued partner in natural resource management, in emergency services networks, and in providing accurate information to the public. Because of its institutional experience and staff expertise, GLIFWC provides continuity and stability in interagency relationships and among its member Tribes, and contributes to social stability in the context of ceded territory treaty rights issues.

For more than 25 years, GLIFWC has built and maintained numerous partnerships that: i) provide accurate information and data to counter social misconceptions about tribal treaty harvests and the status of ceded territory natural resources, ii) maximize each partner's financial resources and avoid duplication of effort and costs, iii) engender cooperation rather than competition, and iv) undertake projects and achieve public benefits that no one partner could accomplish alone.

#### **OTHER RELATED APPROPRIATIONS CONCERNS**

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**1. Full Funding of BIA Contract Support Costs:** GLIFWC seeks full funding of its contract support costs. The Administration's FY 2011 proposed increase of \$21.5 million for these costs is welcomed, but even that amount only achieves an estimated 94% of need based on FY 2007 funding levels. GLIFWC anticipates its FY 2010 indirect cost shortfall to be at least \$287,000, and this does not even take into account the shortfall for all of its direct contract support costs. These shortfalls significantly inhibit GLIFWC's ability to restore program cuts and service capacity.

**2. BIA Circle of Flight Tribal Wetland & Waterfowl Initiative:** GLIFWC supports BIA funding of the Circle of Flight Tribal Wetland & Waterfowl Enhancement Initiative for Michigan, Minnesota, and Wisconsin. The Circle of Flight program is a long-standing tribal contribution to the North American Waterfowl Management Plan that has leveraged matching partnership funding on a 3 to 1 ratio. In 2010, this program was awarded a Department of Interior "Partners in Conservation" Award.

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<sup>3</sup>GLIFWC currently participates on a regular basis in the Binational Program to Restore and Protect Lake Superior, International Joint Commission and SOLEC forums, the Great Lakes Restoration Initiative, and the implementation of agreements to regulate water diversions and withdrawals under the Great Lakes Charter, Annex 2001.

<sup>4</sup> With the requested FY 2011 funds, GLIFWC would: i) continue a ceded territory wild rice enhancement project; ii) facilitate tribal review and input on the re-negotiation of the Great Lakes Water Quality Agreement and any implementing activities; iii) continue to participate in the development and implementation of the Lake Superior Lakewide Management Plan; iv) build upon its long-standing fish contaminant analysis and consumption advisory program by testing additional species, testing in a wider geographic range, and testing for chemicals of emerging concern; and v) enhance its invasive species and animal disease prevention, monitoring and mitigation programs, particularly given the potential impacts of climate change, the recent discovery of viral hemorrhagic septicemia (VHS) in Lake Superior and the likely migration of the Asian Carp into the Great Lakes.

Mr. MORAN. Thank you very much, Mr. Zorn. In terms of the amount available for actual outlay, there will not be a reduction, will there, even if we do not maintain at the \$475 million, it is still a substantial money in the pipeline.

Mr. ZORN. There is a lot of money out on the table that has not been contracted, and that is why I think from our perspective, we are more focused on the tribal share than the overall. We tend to see federal agency's budget grow, and then the tribes do not necessarily get their share.

Mr. MORAN. So let's be cognizant of that.

Mr. ZORN. That would be great. Thank you so much.

Mr. MORAN. If it is something that could be done without adding to the bill, that would be fair. Good. Thank you very much, Mr. Zorn. Thank you. Nice job.

Mr. ZORN. Thank you.

Mr. MORAN. Thank you very much. Next we are going to hear from Buford Rolin, Vice-Chair, National Indian Health Board and Chairman of the Poarch Band of Creek Indians.

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TUESDAY, MARCH 23, 2010.

## NATIONAL INDIAN HEALTH BOARD

### WITNESS

#### BUFORD ROLIN

Mr. ROLIN. Mr. Chairman, members of the committee, thank you very much for having me here today to provide testimony on the National Indian Health Board's views on the fiscal year 2011 IHS budget. But first I would like to thank the House for its work on passing healthcare reform which included the permanent reauthorization of the Indian Healthcare Improvement Act. Indian country has labored over the reauthorization of the Indian Healthcare Improvement Act for over 10 years now, and after Sunday's vote, this important law is finally reauthorized. And I want to thank you. It was so good to hear from the President this morning of his support. And I attended the healthcare meeting, and he was certainly supportive of that issue.

Our work is not done, though. Indian country needs to be a partner in designing and implementing the new authorities offered in the Indian Healthcare Improvement Act. In addition, we need your assistance in making sure that the new programs receive resources and that the IHS receives the funding increases as proposed in the fiscal year 2011 budget.

NIHB was very pleased to learn that for the fiscal year 2011 IHS budget, the Obama Administration is proposing a \$354 million increase over the fiscal year 2010 appropriations. This is an 8.7 percent increase, and this is certainly noteworthy.

Despite the Federal Government's trust responsibility to provide healthcare to American Indians and Alaskan natives, IHS funding remains a discretionary line and is susceptible to cuts. IHS' budget also remains far from adequate funding. We need the help of the Appropriations Committee to make adequate funding a reality. The trust obligation to provide healthcare is paramount, and it is upon



this foundation that the IHS Tribal Budget Formulation Work Group formed its recommendation for the fiscal year 2011 IHS budget. The work group's proposal centers on a 10-year phase-in to eventually achieve full funding for IHS. As a first step, the work group recommended an increase in the IHS budget totaling \$2.1 billion over the fiscal year 2010 funding levels. These recommendations focus on two types of needed increases. First, the work group recommended an increase of \$947 million in current services. Current services increases are those budget increments needed to enable the Indian Health System to continue operating at its current level of service. This category contains such items as pay cost increases, inflation, contract support costs, funding for population growth, and for facilities construction and staffing. Without these increases to base funding, the Indian health system would experience a decrease in its ability to care for current populations.

Second, the work group recommended \$1.14 billion be added to identify programs and facilities accounts. Programs services increases refer to the recommended increases in HHS budget accounts to enable our program to improve and expand the services they provide to Indian patients. As you know, the IHS has long been plagued by woefully inadequate funding in the program areas.

On behalf of all tribes, please move toward funding all of the IHS budget. On behalf of the National Indian Health Board, thank you for the opportunity to address the Subcommittee on these important matters, and I will be happy to answer your questions.

[The statement of Buford Rolin follows:]

## TESTIMONY OF BUFORD ROLIN

CHAIRMAN, POARCH BAND OF CREEK INDIANS,  
 VICE CHAIRMAN, NATIONAL INDIAN HEALTH BOARD,  
 CO-CHAIRMAN, TRIBAL DIABETES LEADERS COMMITTEE &  
 CO-CHAIRPERSON OF THE NATIONAL STEERING COMMITTEE FOR THE REAUTHORIZATION OF  
 THE INDIAN HEALTH CARE IMPROVEMENT ACT

TO THE HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE

FY 2011 INDIAN HEALTH SERVICE BUDGET PRIORITIES  
 MARCH 23, 2010

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Mr. Chairman, and Members of the Subcommittee:

My name is Buford Rolin. I serve as Chairman of the Poarch Band of Creek Indians and Vice-Chairman of the National Indian Health Board (NIHB). In these capacities and others, I have been fortunate to work with Tribal Leaders from across the country to address issues that affect the Indian health delivery system and the health status of Indian people.

The NIHB was very pleased to learn that, for the FY 2011 IHS budget, the Obama Administration is proposing a \$354 million increase over the FY 2010 enacted IHS appropriations. This 8.7% increase is particularly noteworthy in light of the fact that the Administration has proposed an overall freeze on discretionary funding. The request represents the continued commitment of the Administration to engage with Indian Country on a government-to-government basis, and that the Administration understands the critical needs of our communities. I thank Congress, specifically this committee, for also championing our issues through increased appropriations.

In addition, NIHB is mindful that, despite the federal government's legal obligation and sacred trust responsibility to provide health care to American Indians and Alaska Natives (AI/AN), to date IHS funding remains a discretionary line and thus susceptible to cuts. The trust obligation to provide health care is, however, paramount, and it is upon this foundation that the IHS Tribal Budget Formulation Workgroup built its recommendations for the FY 2011 IHS budget.

The IHS Tribal Budget Formulation Workgroup consists of tribal representatives from each of the 12 IHS Areas. Each year the Workgroup consolidates all the Area recommendations and, working with IHS Headquarters and national Indian organizations, develops a consensus national tribal budget and health priorities document. For FY 2011, the Workgroup's detailed recommendations are described in its paper titled "*Standing on Principals: A New Era in Tribal Government Relation*" which is attached as an addendum to this written testimony. The Workgroup's focus here is on investing in a new partnership between the Federal Government and Tribes to advance the health of AI/ANs. The Workgroup's proposal centers on a ten-year phase-in to eventually achieve full funding for IHS. As a first step, the Workgroup recommends increases in the IHS Budget totaling \$2.1 billion above FY2010 funding levels.

These recommendations focus on two types of needed increases:

**Current Services Increases** are those budget increments needed to enable the Indian health system to continue operating at its current level of service. This category contains such items as pay cost increases; inflation; contract support costs; funding for population growth; and facilities construction and staffing. Without these increases to base funding, the Indian health system would experience a *decrease* in its ability to care for the service population. The Workgroup recommends an increase of \$947 million for these items to maintain the existing level of services.

**Program Services Increases** refer to the recommended increases in key IHS budget accounts to enable our programs to improve and expand the services they provide to Indian patients. As you know, the IHS has long been plagued by woefully inadequate funding in all programmatic areas, a circumstance which has made it impossible to supply Indian people with the level of care they need and deserve, and to which they are entitled by treaty obligation. The Workgroup recommends \$1.14 billion be added to identified program and facilities accounts for these purposes.

**Specific Increases.** I would like to highlight a few programs targeted by the Tribal Workgroup for vital increases. Similar to the President's proposal, the Tribal Workgroup focuses the largest increases on the following program areas.

**Contract Support Costs.** Since 1975, Indian Tribes, under the Indian Self-Determination and Education Assistance Act, have exercised the right that the law provides to take over the direct operation of IHS programs. All Tribes in all Areas operate one or more such contracts. The ability of Tribes to successfully operate their own health care systems, from substance abuse programs to entire hospitals, depends centrally upon the proper appropriation of Contract Support Costs (CSC) – the audited and fixed general and administrative costs required to administer these programs. The present underfunding of CSC creates a disincentive for Tribes to take on such endeavors. Worse, it *penalizes* Tribes when they do, because it diminishes available health care funding by forcing contracting and compacting Tribes to divert health care dollars to cover these fixed administrative costs. Full CSC funding eliminates that penalty, honors the legal duty to pay these costs, and protects health care resources intended for service delivery. **The NIHB supports the Workgroup's full funding recommendation, and urges that the CSC line item be increased by \$150 million (to \$550 million) for FY2011.**

**Hospitals and Clinics.** The Hospital and Clinic budget line item is the core account which funds the Indian health system's medical care programs, including direct medical services, public/community health initiatives and information technology. Increases for this budget item go toward addressing the treatment of chronic diseases, including diabetes, cancer and heart diseases, as well as sustained programs for health promotion and disease prevention initiatives (including obesity reduction) to reduce future demand for chronic care. **Due to its central role, the Workgroup recommends an increase in the overall Hospitals and Clinics account of \$500 million.**

A subset within the Hospitals and Clinics line item includes funding for the Indian Health Care Improvement Fund (IHCIF) and for Information Technology (IT). The IHCIF provides separate funding for distribution to selected operating units in order to reduce resource disparities across the IHS system. Without an appropriate level of support in the Hospitals and Clinics account, the United States' trust responsibility for Indian health cannot be met and the Indian health system is unable to fulfill its health care mission. IT is also essential to health service delivery, because the IHS system is in critical need of infrastructure and support systems to implement Electronic Health Records. NIHIB appreciates the President's support for an increase of \$44 million for IHCIF, \$4 million for IT, and \$2.5 million to address chronic diseases.

**Contract Health Services:** The contract health service (CHS) program serves a critical role in addressing the health care needs of Indian people. The CHS program exists because the IHS system is not capable of supplying directly all the care needed by the IHS service population. In theory, CHS should be an effective and efficient way to purchase needed care – especially specialty care – which Indian health facilities are not equipped to provide. In reality, CHS is so grossly underfunded that Indian Country cannot purchase the quantity and types of care needed. At present, less than one-half of the CHS need is being met, leaving too many Indian people with no access to necessary medical services. As a consequence, many of our Indian patients are left with untreated and often painful conditions that, if addressed in a timely way, would improve quality of life at lower cost. **The Workgroup proposes an increase of \$500 million for CHS.**

**Budget Management Issues.** Lastly, I would like to call your attention to two additional items which require special attention and instructions.

First, each year the IHS Tribal Budget Formulation Workgroup develops a national tribal consensus on the IHS budget priorities for the upcoming fiscal year and presents its recommendations to the Department during formal tribal consultation. But thereafter, the Workgroup is denied the opportunity to consult with the Office of Management and Budget (OMB) about the Workgroup's recommendations. Tribes are kept entirely in the dark until the President offers his budget proposal nine months later. In this new era of revitalized government-to-government relations between the Federal government and the Tribes, OMB should bring transparency to the budget formulation process by engaging Tribes on an ongoing basis. NIHIB recommends that the Committee include an appropriate instruction to OMB on this score.

Second, the passage of health care reform and most importantly, the Indian Health Care Improvement Act (IHCIA), is likely to occur soon. Indian Country needs to be a partner in designing and implementing the new authorities offered in the IHCIA. Implementation will be an enormous task, but designing a blueprint with Tribes as partners in this process is well worth the effort. Here, too, NIHIB recommends that the Committee include an appropriate instruction on this score.

On behalf of the National Indian Health Board, thank you for the opportunity to address the Subcommittee on these important matters. I am happy to answer your questions.

**Recommendations of the IHS National Tribal Budget Formulation Workgroup**

**FY 2011 CURRENT SERVICES INCREASES**

	<b>President's Proposal</b>	<b>Tribal Budget Workgroup Proposal</b>
Federal Pay Costs	\$10,935,000	\$26,900,000
Tribal Pay Costs	13,417,000	29,200,000
Inflation	59,977,000	63,300,000
Additional Medical Inflation	0	54,800,000
Population Growth	52,466,000	42900000
Staffing for New/Replacement Facilities	38,771,000	25,000,000
Contract Support Cost	0	170,100,000
Health Care Facilities Construction	0	281,324,000
Joint Venture	0	60,000,000
Area Distribution Fund	0	140,000,000
Restore FY 2008 Rescission	0	53,521,000
<b>TOTAL CURRENT SERVICES</b>	<b>\$175,566,000</b>	<b>\$947,045,000</b>

**FY 2011 PROGRAM INCREASES**

Hospitals & Clinics	0	500,000,000
Indian Health Care Improvement Fund	44,000,000	10,000,000*
Information Technology	4,000,000	30,000,000*
Chronic Diseases	2,529,000	--
Dental	0	30,000,000
Mental Health	0	20,600,000
Alcohol and Substance Abuse	4,000,000	19,600,000
Contract Health Services	46,000,000	500,000,000
Public Health Nursing	0	0
Health Education	0	0
Community Health Representatives	0	0
Alaska Immunization	0	0
Urban Indian Health	1,000,000	10,000,000
Indian Health Professions	0	0
Tribal Management	0	0
Direct Operations	0	0
Self-Governance	0	0
Contract Support Costs (New & Expanded)	40,000,000	--
Maintenance & Improvement	0	20,000,000
Sanitation Facilities Construction	36,958,000	35,000,000
Facilities & Environmental Health Support	0	0
Equipment	0	12,000,000
<b>TOTAL PROGRAM INCREASES</b>	<b>\$178,487,000</b>	<b>\$1,147,200,000</b>

Notes: \* Funding is recommended for the IHCIF and IT to be funded as a subset of Hospitals & Clinics Funding.

-- refers to items not considered by the National Tribal Budget Workgroup

Mr. MORAN. Very well done. Thank you, Mr. Rolin.

Mr. ROLIN. Thank you.

Mr. MORAN. Thank you very much. Good testimony. We will now hear from Mickey Percy who is the Tribal Executive Director of the Choctaw Nation of Oklahoma.

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TUESDAY, MARCH 23, 2010.

**CHOCTAW NATION OF OKLAHOMA**

**WITNESS**

**MICKEY PEERCY**

Mr. PEERCY. I want to thank the committee and Subcommittee for having Choctaw Nation of Oklahoma here. We have been here over the last 4 years to—and this is not in my written testimony—but we have been here in the last 4 years to think about Jones Academy, and I think that is working. That program is working. It is working through the BIA, and so the only thing I wanted to say is that I appreciate the interest in the movement from the Subcommittee to move the issue with Jones Academy forward.

Chief Pyle sends his regards and wishes he could be here, but he is in Shreveport for a community meeting tonight.

Mr. COLE. If I could just interrupt real quickly.

Mr. PEERCY. Yes, Congressman.

Mr. COLE. Our friend, Congressman Boren and I share representation of the Choctaw Nation, and Dan did a great job working with Chairman Dicks in making sure that Jones Academy thing got done.

Mr. PEERCY. Thank you.

Mr. COLE. So I just wanted to make sure that that was in the record.

Mr. PEERCY. Thank you, and we certainly appreciate that.

I am here today to talk—there are about five issues that I have got in my written testimony that revolve around Indian Health Service contract support costs, contract health service, sanitation facilities construction, mandates, and additional money back into the self-governance line item.

The two, the mandates and the self-governance line item, again, they are in the written testimony. We ask that you pay close attention to that.

In terms of contract support costs, in the written testimony you have with you describes the stance of the Tribal Self Governance Advisory Committee and how they stand on contract support costs. We certainly support that stance, and we will support—I know Lloyd Miller will speak later about contract support costs, and we are part of his coalition.

Just for an instance, I know we did a joint venture in Idabel, Congressman, about 6 or 7 years ago. It took until this year to get contract support costs on that addition to our program, so there is a real program. Our goal eventually is to make sure the shortfall is done away with, and I think Mr. Miller will describe how that can be done.

Secondly, with contract health service, I do not know how familiar you folks are with contract health service, probably the most complex service provided in health service. It is those payments to outside doctors, vendors, hospitals, those things that we cannot provide in-house. I spoke about 6 or 8 weeks ago to a Senate Committee on Indian Affairs about that issue, and the problem with the 800-pound gorilla is we do not know how much it is going to cost to fully fund that. Dr. Roubideaux within the health service has taken some steps forward to put a committee together to start taking a look at that. But again, we do not know how much it is going to cost. I know Senator Dorgan asked, "what is it going to cost to fully fund it?" We do not know. It is not the money we spend. It is not the deferreds and denials, it is those three, plus we know in our systems, Chickasaw, Choctaw systems, doctors do not make those referrals because they know it is not going to get paid. So there is an 800-pound gorilla out there waiting on us.

The one thing I wanted to really talk about is you do not hear much about sanitation facilities construction. Choctaw Nation's southeast corner of Oklahoma is the size of Vermont. In Oklahoma, we have mountains, you know. We have hard to access communities and hard to access homes. Sanitation facilities construction is about putting those water systems in, those sewer systems in, that reaches those homes and those communities. It is a lot like on the BIA side, it is a lot like the roads program because we deal with communities, we deal with municipalities, we deal with rural water districts going into joint partnerships to try to use our money and their money, because in Oklahoma, we are not a reservation state. So our tribal folks live among everyone else.

In Oklahoma there is an unmet need of \$77 million. So we would ask that as we look into the Indian Health Service budget, that sanitation facilities really get looked at. It does not get looked at when you are talking about the difference in cancer, heart disease, diabetes, those things that we look at, but it is a preventative service that is necessary to keep the health of our people. Nine seconds.

[The statement of Mickey Percy follows:]



**Choctaw Nation of Oklahoma**

P.O. Box 1210 - Durant, OK 74702-1210 - (580) 924-8280

Gregory E. Pyle, Chief

Gary Batton, Assistant Chief

**TESTIMONY PRESENTED BY  
MICKEY PEERCY, EXECUTIVE DIRECTOR OF HEALTH SERVICES  
(ON BEHALF OF CHIEF GREGORY E. PYLE)  
CHOCTAW NATION OF OKLAHOMA**

**AT THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
PUBLIC WITNESS HEARING ON NATIVE AMERICAN ISSUES  
March 23, 2010**

Good afternoon distinguished Members of the Committee. On behalf of Chief Gregory E. Pyle, of the Great Choctaw Nation of Oklahoma, I extend to you the support of the people of the Choctaw Nation to work with you in addressing the priority issues of Contract Support Costs, Contract Health Services and Sanitation Facilities. Thank you for inviting the Choctaw Nation of Oklahoma to provide testimony on these needs.

**Issue:**

***CONTRACT SUPPORT COST FUNDING – \$99.3 million in FY2010 and \$100 million in FY2011***

The FY 2010 final appropriation provides a \$116 million increase for Contract Support Costs (CSC) and signals an end to a sad chapter of neglect for Indian Self-Determination and Self-Governance. The growth of Self-Governance compacting was seriously undermined from 2002 through 2009, by the failure to pass adequate funding increases, to not only support existing contractors, but those who wanted to participate in Self-Governance opportunities. Self-Governance Tribes appreciate the FY 2010 and FY2011 support of the Administration and Congress to address the CSC funding shortfall and acknowledge the commitment to sustain and expand Indian Self-Determination. The well-documented achievements of Indian Self-Determination and Self-Governance policies have consistently improved service delivery, increased service levels, and strengthened Tribal governments, institutions, and services for Indian people.

It is estimated that the CSC shortfall will be \$99.3 million in FY 2010 and \$100 million in FY2011. The chronic underfunding of CSC represents the single greatest impediment to the expansion of Tribal Self-Governance. CSC funding is vital to support the infrastructure needed to operate IHS programs. The present shortfall creates a disincentive for Tribes to pursue Self-Governance compacts, and diminishes available health care funding as Tribal budgets must absorb the



shortfall amounts. Adequate CSC funding assures that Tribes, under the authority of their IHS contracts and compacts, have the ability to deliver the highest quality health care services to their members. Tribal programs have significantly increased the quality and level of services in their health systems compared to direct service programs. Failing to adequately fund CSC defeats the very program that has most improved health conditions for American Indians and Alaska Natives. Finally, underfunding CSC disproportionately hurts Self-Governance/Self-Determination Tribes because it protects direct service operations from sharing in overall funding reductions and limitations. And again, underfunding CSCs costs jobs in Indian country.

**Recommended Action:** We strongly urge consideration of this line item, and recommend an increase of \$99.3 million in FY2010 (by supplemental appropriations) and \$100 million in FY2011 to alleviate the shortfall for current contracting and compacting with IHS. To the extent fully funding CSC in FY 2011 is deemed infeasible, the Choctaw Nation recommends that a plan be developed by the Administration and implemented immediately to sustain CSC funding in the appropriations process by eliminating the IHS CSC shortfall over a defined period of time. The objective would be to (1) annually provide sufficient CSC increases to adequately cover expanded CSCs associated with program increases and inflation (\$45.8 million in FY 2011 and a similar sum in FY 2012, and (2) include an additional CSC increase to phase-out the overall shortfall in three years (by adding \$35 million to the \$45.8 million).

Pacing increases in this manner would permit the Administration to fulfill its commitment to support Indian Self-Determination and Self-Governance in a responsible manner that reflects the current difficult fiscal environment. It will allow Tribal governments to support the Administration and Congressional efforts currently underway to create jobs in the most severely impoverished parts of the country. If these increases begin in FY2012, it will eliminate the shortfall entirely in the FY2014 budget (after which annual increases would drop back to cover future inflationary, program increase and ISD requirements).

Finally, the Administration should budget for CSC requirements associated with future IHS budget increases. For instance, today any new program dollar requires a matching increase of 13.5 cents in contract support costs, because the CSC requirement is an average 25% of each direct service dollar that is under contract, and 54% of all IHS service dollars are presently under contract. Developing appropriations increases in the future along these lines will prevent any future expansion of the historic CSC shortfall. Once that shortfall is eliminated (as proposed above) this approach will guard against any recurrence of shortfalls in the future.\*

*\*Taken from the Tribal Self Governance Strategic Plan and National Priorities for the Obama Administration and the 111<sup>th</sup> Congress 2<sup>nd</sup> Session 2010-2011, updated February 2010*

**Issue:**

**CONTRACT HEALTH SERVICES**

Contract Health Service (CHS) is the most complex service delivered by the Indian Health Service, Tribally Operated Health Program (TOHP) health care delivery system. CHS is designed

to refer patients and reimburse providers outside the IT system for medical services provided to American Indian/Alaska Natives (AI/AN) patients. CHS services consist of those services not provided by the TOHP hospitals and clinics.

The Indian Health Service and Tribally Operated Health Programs are taking positive steps to improve the way we deliver care in the CHS program. Dr. Yvette Roubideaux, Director of Indian Health Service, will soon form a new workgroup to review the CHS program and initiate a "best practices" process that will allow the sharing of successful programs. We are heading down a positive road and we applaud the Director for listening to our concerns and seeking a process to address the needs of Tribal health providers.

The FY 2010 appropriation from Congress for Contract Health Services was a good faith beginning. The \$117 million increase is very much appreciated. *The large problem with CHS is that no one is sure what the dollar figure is to fully fund this program.* It is not just the total of dollars spent, plus denied referrals, plus deferred referrals. We know of providers who do not submit referrals because they know they will never meet the criteria for payment. So IHS and Tribes must come up with a formula to provide Congress with a true number.

Until this amount can be provided to Congress, all we know is that the program is woefully underfunded. The Choctaw Nation of Oklahoma requests that Congress support the \$83 million increase in the President's budget request for CHS in FY2011. Also, we strongly recommend that the funding methodology used in FY2010 be used to distribute the funds.

**Issue:**

***SANITATION FACILITIES CONSTRUCTION (SFC)***

In mainstream America it is difficult to imagine citizens living without access to clean water or waste disposal facilities; after all it is 2010! Yet in many areas where AI/ANs reside, this is the rule rather than the exception. We know this is a fact in many of the reservation areas, but it is also a fact in rural Oklahoma. The Southeast corner of Oklahoma is the homeland for the Choctaw Nation. It is the size of Vermont. Some Choctaw members and other Indians live in small towns and communities served by Rural Water Districts or City Systems, but most live in homes far from major highways and communities. The terrain is rough, distances are significant, landscape is mountainous with many large trees. Many of our citizens do not have access to the most basic of services. Then we question, why are our people sicker than the non-Indian population?

Speaking specifically for the Oklahoma City Area, Indian Health Service, Sanitation Facilities Construction (and this is typical for all Areas of IHS) we are unnoticed and underfunded. SFC is preventive in nature and is not prioritized as a health delivery need by many Tribal Leaders and Tribal Health Directors. It is hard to compete with Cancer, Diabetes and Heart Disease. It is a major need in our system.

The Oklahoma City Area, Indian Health Service covers Oklahoma, NE Kansas, SE Nebraska and one Tribe in Texas. The Area Sanitation Deficiency System (SDS) is a prioritized list of needed water, sewer and solid waste projects. In November 2009 the SDS indicated a need of \$77 million dollars; the SFC funding was \$7,113,000. The priority list grows at a much higher rate than the appropriations. Within the Oklahoma City Area, the IHS and Tribal Programs will begin a canvassing process throughout Indian country to identify a true unmet need. We anticipate the unmet need will actually triple once this process is completed.

The President's 2011 budget request for SFC is \$97,710,000, an increase of only \$1,853,000 over 2010 which was equal to the 2009 level. We are requesting that Congress increase the SFC budget line item \$7,000,000 over the President's mark so that we can begin to close the gap in this important service.

**Issue:**

**MANDATORIES - *Provide \$474 million for IHS Mandatory, Inflation and Population Growth Increase to Maintain Existing Health Care Services***

Mandatory costs increases are necessary to maintain the current level of services. These "mandatories" are unavoidable and include medical and general inflation, pay costs and population growth. Maintaining current services is a fundamental budget principle. Failure to do so would result in cuts in health care and delivery. We estimate the current services need in FY 2011 is \$474 million.

**Issue:**

**OFFICE OF TRIBAL SELF-GOVERNANCE - *Increase \$5.0 million to the IHS Office of Tribal Self-Governance***

In 2003, Congress reduced funding for this office by \$4.5 million, a loss of 43% from the previous year. In each subsequent year, this budget was further reduced due to the applied Congressional rescissions. As of 2010, there are 330 Self-Governance (SG) Tribes managing approximately \$1.2 billion in funding. This represents 57% of all federally-recognized Tribes and 33% of the overall IHS funding. The Self-Governance office supports Tribes operating programs under the Tribal Self-Governance Amendments of 2000. The Self-Governance process serves as a model program for federal government outsourcing, which builds Tribal infrastructures and provides quality services to Indian people.

*The Choctaw Nation supports the FY 2011 Budget Requests included in the National Tribal Self-Governance Strategic Plan & Priorities, by the National Indian Health Board and by the National Congress of American Indians.*

Respectfully Submitted.

Mr. MORAN. Thank you very much, Mr. Peercy. Mr. Cole, since it is Oklahoma.

Mr. COLE. Thank you because there are actually a couple of points I want to make, and Mr. Peercy made one of them right off the bat. This is not a reservation tribe at all. What is the size of the Choctaw Nation?

Mr. PEERCY. It is the size of Vermont.

Mr. COLE. Yeah, but what is the number of people, I should say.

Mr. PEERCY. Choctaw Nation totals 200,000 people. There are probably 65,000, 70,000 of those living in the ten counties.

Mr. COLE. And what is the size of your tribal budget, roughly?

Mr. PEERCY. Total?

Mr. COLE. Yes.

Mr. PEERCY. Health system or total?

Mr. COLE. Total.

Mr. PEERCY. A billion.

Mr. COLE. And there is no per-capita income distribution, correct?

Mr. PEERCY. No, sir. None at all. Services are provided.

Mr. COLE. Right. So what you do is end up—everything you make, gaming, every other enterprise you have and there are multiple enterprises, Mr. Chairman—turn back and get invested in healthcare—

Mr. PEERCY. Yes, sir.

Mr. COLE [continuing]. Education services—

Mr. PEERCY. Yes, sir.

Mr. COLE [continuing]. Cooperative arrangements with local governments?

Mr. PEERCY. Yes, sir. Pretty unbelievable exercise and very different from what most people understand tribes to be, and that is the common situation in Oklahoma. This is one of the largest tribes in the country. They do an unbelievably good job.

Mr. COLE. Thank you.

Mr. MORAN. Thank you for pointing that out. Thank you, Mr. Cole.

Mr. MORAN. Mr. Olver from Western Massachusetts has joined us, also the Chair of the Housing and Roads Appropriations Committee.

Mr. OLVER. May I make a comment?

Mr. MORAN. Yes.

Mr. OLVER. Thank you, Mr. Chairman. Since you had introduced me, I would just like to say for people who are here to testify today that Mr. Moran and I did not particularly plan this this way, it turns out that tomorrow I am holding in my Subcommittee, which covers transportation and housing and urban development, which does the road building on reservations, and HUD of course deals with Indian housing on the reservations and the construction and such. We are going to be doing that in Room 2358 at 10:00. I think it is 10:00 tomorrow. And for anybody who is still around, that makes it almost a two-fer for those who would have an interest or who are involved in the reservations and would want to know something about this oversight hearing on the building—

Mr. COLE. Would the gentleman yield?

Mr. OLVER [continuing]. And housing programs.

Mr. COLE. Would the gentleman yield for just a question on point? Some of that money I think went to your community. I am not even sure, but there is tribal road building money. It does not just go to reservations. These folks are in partnership with county governments and everything from bridges to things that county governments cannot afford, particularly where they have got either concentrations of their tribal members which then helps everybody, or where they have got the tribal enterprises. They become partners with some of that money that you make available to other people around them.

So a lot of that, quote, reservation road money is not always spent on reservations. But it is spent through tribes.

Mr. MORAN. Good. A very important point. If any of you are going to be around, that would be a worthwhile hearing to observe tomorrow under Mr. Olver's committee.

Thank you very much.

Mr. PEERCY. Thank you for your time.

Mr. MORAN. Thank you. All right. Next we will hear from Donald Rodgers, the Chief of the Catawba Indian Nation, South Carolina.

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TUESDAY, MARCH 23, 2010.

## CATAWBA INDIAN NATION, SOUTH CAROLINA

### WITNESS

#### DONALD RODGERS

Mr. RODGERS. Good afternoon. Thank you very much on behalf of the Catawba Indian Nation for allowing us this opportunity to testify before the House Interior Appropriations Subcommittee.

First and foremost, I think that a lot of times Congress folks do not hear enough appreciation, and I want to personally thank you on behalf of the Catawba Tribe who received support from the committee this past year. As we had some budget and audit issues that I had to address when I took office about 2½ years ago, but with the support of Chairman Moran, Ranking Member Simpson, Congressman Cole, and the committee as a whole, the Bureau of Indian Affairs did take action and allowed the Catawba Indian Nation to receive several million dollars in funds that were allocated to it, and we would not have been able to do so without you all's support, and I deeply appreciate that, sir, from the Catawba Indian Nation. Thank you so much.

Mr. MORAN. I think Mr. Spratt was also instrumental in that.

Mr. RODGERS. Yes, sir.

Mr. MORAN. Not think, I know that, and he is a good friend and a good friend of the Catawba—

Mr. RODGERS. Yes, sir.

Mr. MORAN [continuing]. To his credit as well.

Mr. RODGERS. Well, thank you very much. I am here today to urge the Subcommittee to invest federal dollars in programs that support economic development for smaller tribes that have limited resources but like the Catawba are committed to achieving economic self-sufficiency. The Catawba Indian Nation is one of a handful of federally recognized tribes that do not enjoy the range of full

sovereign powers possessed by most federally recognized Indian nations.

Under the terms of our settlement agreement, we possess what I would term second-class tribal sovereignty. For example, in the area of gaming, we are not authorized to establish gaming operations pursuant to the Indian Gaming Regulatory Act. Instead, we are limited to small bingo halls, and let me explain a couple of things here.

During the Revolutionary War, the Catawba Indian Nation stood with the American Colonists in their struggle for independence from the doctoral mandates of King George III. Catawba scouts accompanied then General George Washington on many of his campaigns through the South. Ever since, the Catawbas have always answered the call of country, living up to their half of the tribe's government relationship with the United States, and we will continue to do that.

It is our hope that when we come back to Congress and ask for amendments to our settlement act to restore some of our lost sovereignty and free up our economic potential that Congress will respond to our call just as enthusiastically as we have responded to the call of America as a whole.

In the 2000 census, the Catawba Indian Nation had a per-capita income of just \$11,000. The estimated current unemployment rate among the Catawba is more than double that of the State, which is very high itself now. I think it is at 26 percent overall, and so about half of our folks are unemployed now. The tribe currently has no economic development venture, so what we have come to ask for is that we want the same rights as other tribes but we want to also have the opportunity to have funding that comes to our tribe on behalf of small economic ventures. We are working on a Catawba market to create jobs that improve services to our tribal members but also gives them an opportunity to work. Also, a major road extension that would provide decent, safe access to our reservation but also allows emergency services to come to the reservation.

A ride share program to get our members to jobs located throughout the area, and the summer youth program that will allow our children and young people to become engaged in education and prevention activities for them.

I thank you for this opportunity to talk about the needs of the Catawba Indian Nation. Your support for our people and indeed for all the native people in America is greatly appreciated and truly in the best traditions of the government, the government relationship. Again, I thank you for the time that we have been able to spend here.

[The statement of Donald Rodgers follows:]

**Testimony of Donald Rodgers  
Chief, Catawba Indian Nation  
Before the  
House Interior Appropriations Subcommittee  
Tuesday, March 23, 2010**

**FY 2011 Economic Development-Related Appropriations Requests:**

- **Catawba Market - \$787,500.** Office of Indian Energy and Economic Development, Bureau of Indian Affairs; or Housing and Urban Development, Economic Development Initiatives.
- **Dave Lyle Boulevard Extension to Catawba Reservation - \$9.7 million.** Interior, Bureau of Indian Affairs, Indian Reservation Roads Program and Road Maintenance Program; or Transportation, Federal Transit Administration, Capital Investment Grants.
- **Catawba Indian Nation Ride Share Program - \$165,000.** Transportation, Federal Transit Administration; Buses and Bus Facilities.
- **Catawba Summer Youth Program - \$212,260.** Labor, Employment and Training Administration – Training & Employment Services.

**Introduction.** On behalf of the Catawba Indian Nation, a federally recognized tribe located in South Carolina, thank you for this opportunity to testify before the House Interior Appropriations Subcommittee.

Last year, I had the privilege of testifying before this Committee. Prior to that testimony, it had been many years since a Catawba leader had testified before the Congress, making my appearance an historic moment in the history of our two nations. Notably, during the Revolutionary War, the Catawba Indian Nation stood with the American colonists in their struggle for independence from the dictatorial mandates of King George III. Catawba scouts accompanied then-General George Washington on many of his campaigns. Ever since, the Catawbas have always answered the call of country, living up to their half of the Tribe's government-to-government relationship with the United States - and we will continue to do so.

I want to begin my testimony by expressing my appreciation for the support that this Committee has provided to the Catawba Tribe as my administration has worked to address budget and audit issues that had accumulated over prior years. With the support of Chairman Moran, Ranking Member Simpson, Congressman Cole and the Committee as a whole, the Bureau of Indian Affairs took action that allowed the Catawba Tribe to receive several million dollars in funds that had been allocated to the Tribe, but that we could not access. Your support then and now means a great deal to the Catawba people and on their behalf you have our heartfelt "thank you!"

**Federal Support for Smaller, Economically Disadvantaged Tribes Seeking Self-Sufficiency.** I am here today to urge this Subcommittee and, indeed, the full House Appropriations Committee, to invest Federal dollars in programs that support economic development for smaller tribes that have limited resources but, like the Catawba, are

committed to achieving economic self-sufficiency. Our Settlement Act specifically refers to the “policy of the United States to promote tribal self-determination and economic self-sufficiency” and it is about fulfilling this promise of support for economic self-sufficiency that I appear before you today. The limitations in our Settlement Act significantly inhibit our ability to achieve economic self-sufficiency. As is the case with many Native American tribes, the Catawba Indian Nation struggles with poverty and its related issues. In the 2000 Census, the Catawba Indian Nation had a per capita income of just \$11,096. The estimated current unemployment rate among the Catawba is more than double that of the state of South Carolina, which itself has very high unemployment. The tribe currently has no operating economic development ventures.

In our case, the Catawba Indian Nation is one of a handful of federally recognized tribes that do not enjoy the range of sovereign powers possessed by most federally recognized Indian nations. Under the terms of our Settlement Act we possess what I would term “second class tribal sovereignty.” For example, the state government has enormous civil and criminal jurisdiction on our lands, far in excess of that commonly accorded to states over other tribes. Additionally, in the area of gaming, we are not authorized to establish gaming operations pursuant to the Indian Gaming Regulatory Act. Instead, we are limited to two bingo halls, neither of which has been in operation since the state adopted a lottery that consumes most of the gaming dollars spent in our state. It is our hope that we can reestablish one of those bingo operations in the very near future. It is also our hope to come back to the Congress and ask for amendments to our Settlement Act that would restore some of our lost sovereignty and free-up our economic potential. We remain committed to being good citizens and good partners with the State of South Carolina, as we have been since the founding of the United States.

**History of the Catawba.** Since time immemorial the Catawba have lived in the Piedmont generally and along and upon the Catawba River specifically. In ancient times, the Catawba lived off the land and the river, hunting for game, fishing for shad, eels and other fresh water species, and farming corn, beans and squash. The tradition of pottery making among the Catawba, unchanged since before recorded history, links the lives of modern Catawba to our ancestors and symbolizes our connection to the earth and to the land and river we love. No less today, the sovereignty of the Catawba Indian Nation and our survival as a distinct people upon the earth is tied to our lands and the river. Like our pottery, the Catawba people have been created from the earth, and have been shaped and fired over time and so have survived many hardships to provide a living testament to our ancestors and to this place we call home.

The Catawba world was transformed by contact with European explorers and colonists. The Catawba's first encounter with Europeans was with the Spanish explorer Hernando de Soto, in 1540, and then with Juan Pardo in 1566. The Europeans brought guns, which made hunting easier, but they also brought disease, including small pox, which repeatedly decimated the tribe. Encroachment by settlers reduced Catawba lands. In 1760, the Catawbas entered into the Treaty of Pine Hill with the British authorities, which established a 15-mile square reservation in South Carolina. Although the Catawba honored the treaty, the Government of



South Carolina and white settlers did not, encroaching further upon Catawba land such that by 1826 only a small number of Catawbas remained, occupying one square mile.

Regrettably, in 1959, the Congress enacted the Catawba Tribe of South Carolina Division of Assets Act which terminated the tribe's Federal recognition and liquidated the tribe's 3,434 acre reservation.

After a long struggle, and only after the tribe threatened to invoke its treaty rights to 225 square miles of South Carolina, did Congress act in 1993 by passing the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, which restored the trust relationship between the Catawba Indian Nation and the United States. This law also had the effect of settling treaty-based Catawba land claims on terms highly favorable to the State of South Carolina.

**FY 2011 Economic Development-Related Appropriations Requests.** Although we believe that the Catawba should have the same rights as other tribes, until Congress corrects this, we are focusing our efforts on ways to develop a diverse economy within the rights we currently possess. We ask that in your funding determinations you consider in general the tribal budgets of the Federal agencies listed above which provide significant funding to smaller tribes, as well as specifically the requests that we have listed and which are set forth in greater detail below:

**Catawba Market - \$787,500.** The Market will be located in the State of South Carolina, in the county of York, just outside the city of Rock Hill and adjacent to the Catawba Indian Nation. The Catawba Indian Nation has already secured funds to purchase a 2-acre tract, prepare the site, and cover architectural design of a convenience store. We need additional funds to construct the building, purchase equipment, and provide for start-up costs to open the store. There is only one other similar store within a five mile radius of the reservation. The store would allow Tribal members quick access to groceries and supplies without the undue burden of traveling to get what they need. The store is on a main road that is well traveled with approximately 3900 cars per day and would also receive traffic from the local community adding to the profitability of the store. This project serves as a HUD-defined "area-benefit activity" because approximately 65% of our tribal households had an income less than 80% of the median income for the area. The area is primarily residential with no existing industrial or manufacturing entities. All of our 2, 600 Tribal members will benefit because the income generated from the future business venture will help the Tribe provide more programs or serve as matching funds for future grant opportunities. In addition, a possible convenience store on this parcel of property will provide employment and job training opportunities for several people. A convenience store could employ approximately six Cashiers, two Clerks, one Assistant Manager, and one General Manager. Eight positions could be filled with unskilled labor and there is opportunity for advancement as they learn the business.

**Dave Lyle Boulevard Extension to Catawba Reservation - \$9.7 million.** The Dave Lyle Boulevard Extension has been a long-identified need for York County, Lancaster County and the Catawba Indian Nation. The full 9 mile project would provide a critical

connection between the counties, creating an “outer loop” south of the Ballantyne portion of I-485. This entire project is estimated at \$165,088,300 including bridges, interchanges, and a 4 lane roadway for approximately 9 miles. The Catawba Indian Nation is requesting this appropriation to fund the approximately 1.5 mile portion from the end of the current Dave Lyle to its 300 acre property off Sturgis Road, known as the Carroll Tract. The Tribe has dedicated 150 acres of this land for economic development, however access is extremely limited at this time. As the only Federally recognized Indian Tribe in the state, we unfortunately qualify as a Distressed Area, as outlined in Section 301 of the Public Works and Economic Development Act of 1965. Especially in these difficult times, the creation of construction jobs in the near future and establishing employment opportunities along the corridor in the long-run will assist in lowering unemployment and improving the quality of life of our people. In addition, improved access to our property will increase the awareness of the history and cultural heritage of the Catawbans, improving our small tourism economy.

**Catawba Indian Nation Ride Share Program - \$165,000.** Transportation is a primary concern for tribal members on the Catawba Reservation. A major part of the transportation problem for tribal members is getting to work. The unemployment rate on the reservation is twice that of the surrounding county. Many tribal members are unemployed because they do not have reliable transportation. A ride share program would allow the tribe to address this issue for our tribal members. The program will be able to take tribal members to jobs on a daily basis, including Saturday and Sunday. We hope this will decrease the unemployment rate on the reservation and increase the quality of life for our tribal members.

**Catawba Summer Youth Program - \$212,260.** In 2009, the Tribe established a Job Training and Life Skills program with the financial assistance of Palmetto Youth Connections. This program was extremely successful, resulting in a number of the participants securing permanent work. The Tribe would like to repeat this program in 2011, focused on 2 functional areas: First is the main function of restorative services by working with unemployed, underemployed adult tribal members ages 17 and up to obtain and retain work. The second function is to develop the preventative part by creating a program for tribal youth ages 15 - 23. By providing these services as a preventative measure for the younger population, we hope to work towards reducing the number of unemployed and underemployed adults in the years to come. If provided with this funding, the Catawba Indian Nation Vocational Program will be able to purchase curriculum, pay for stipends, job training and WorkKeys testing, hire additional staff to provide case management, and hire a part time child care staff member for youth who are parents of young children. Having child care on location will significantly reduce the cost of transportation and create a more accessible program for tribal members.

**Conclusion.** I thank you for this opportunity to talk about the needs of the Catawba Indian Nation. Your support for our people and, indeed, for all Native peoples is greatly appreciated and truly in the best traditions of the government-to-government relationship.

Mr. MORAN. I thank you very much, Mr. Rodgers. Is there any more money that needs to be settled with regard to the claim on the Catawba Nation?

Mr. RODGERS. Well, what happened with that is the Department of Interior worked with the Department of Treasury to suspend collection on the debt, but we are working on that. I do not know if Congressman Sprat has asked you to seek an appropriation to settle that debt and if that could take place, that would be a blessing for us dearly.

Mr. MORAN. Okay. Thank you.

Mr. COLE. Quickly, and I will try and be quick, Chairman. I just wanted to really reemphasize a point you made, Chief Rodgers, which all states may be equal but all tribes are not, and we have dispensed recognition in many cases and stripped tribes of the ability to pursue their own economic interests. We have done it as recently as the last Congress. It is totally the wrong thing to do. It actually turns the tribe into a permanent ward of the state and does not allow them to pursue the opportunities they ought to be able to pursue. And you are a perfect example of a tribe that has been handicapped in this way for a long time.

The second, just a quick question to you. I know you were working with Secretary Echohawk, and he probably ought to get a plug here, too, because I understand he has been working really hard.

Mr. RODGERS. Yes, he has. He has worked extremely hard for us and on our behalf, and we do offer him plugs quite a bit and thank him for that. I do appreciate his hard work for us on our behalf because he did step to the plate and it was an emotional day for us that day because it freed up about \$3 million of funds that came to us immediately.

Mr. COLE. He would not tell me what he was going to tell you, but he told you you were going to be a lot happier when you left than when you saw him.

Mr. RODGERS. We were extremely happy.

Mr. COLE. I thought it was going to happen.

Mr. RODGERS. Thank you all for your help.

Mr. COLE. Thank you. Thank you, Chairman.

Mr. MORAN. Once in a while good things happen to deserving people. Okay. Thank you very much. Good job, Mr. Rodgers. Now we will hear from Geoffrey Roth, the Executive Director of the International Council of Urban Indian Health.

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TUESDAY, MARCH 23, 2010.

## NATIONAL COUNCIL OF URBAN INDIAN HEALTH

### WITNESS

#### GEOFFREY ROTH

Mr. ROTH. I will be as brief as possible, and I thank you guys very much.

My name is Geoff Roth. I am the Director of the National Council of Urban Indian Health and a descendant of the Standing Rock Sioux Nation. I sit here and represent 36 of our member organiza-

tions and 150,000 American Indians and Alaska natives that our programs serve every year.

I would like to thank Chairman Moran for this opportunity to talk about the fiscal year 2011 budget.

Like everyone else has done, I would really like to come and say thank you first, thank you for healthcare reform. Thank you for the Indian Healthcare Improvement Act, and thank you for the increased budget in fiscal year 2010. However, our work is not done. In order to fulfill the promises of the Indian Healthcare Improvement Act, we must work toward ensuring that the new programs and projects under IHCA receive the necessary funding for implementation. We ask the Subcommittee to sit down and be our partner implementing these new authorities.

I have got three main budget recommendations. First, we fully support the National Indian Health Board's tribal budget formulation process and \$2.1 billion above the fiscal year 2010 funding level. We are grateful that the President's budget freeze did not include the Indian Health Services Budget. That is great.

Second, NCU strongly advocates for a \$4 million increase to the Urban Indian Health line item. We believe this is a modest increase request in light of the incredible need within the urban Indian communities and in order to meet rising needs, we definitely need that.

Last, NCU would like to encourage the Subcommittee to discuss the additional funding needed created by the passage of the Indian Healthcare Improvement Act, and we would be happy to sit down and talk with you about that.

While we recognize that this year's budget is very difficult to deal with, and we understand that there is an economic downturn in the country, we really feel that investment in Indian programs is extremely important.

I want to thank you again. I would like to sit down with your staff and talk some more about the individual line items and again, \$4 million to the Urban Indian line item.

[The statement of Geoffrey Roth follows:]

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Excellence, Equity, Effectiveness

**Testimony of Geoffrey Roth, Executive Director of the  
 National Council of Urban Indian Health  
 House Interior Appropriations Subcommittee's Native American Witness Day  
 March 23-24<sup>th</sup>, 2010**

**Background and History**

Urban Indian Health Programs (UIHP) provide culturally competent, non-duplicative health services to more than 150,000 people annually and are critical to the Indian health care delivery system. The 36 clinics and programs across the United States are a critical safety net for Indian people living in urban centers. During these difficult economic times, ensuring the stability of this small but important part of the Indian health delivery system is even more necessary than ever. We would like to thank the Interior Appropriations Subcommittee and former-Chairman Dicks for recognizing the importance of these small but vital programs. We hope that Chairman Moran will build upon Chairman Dicks' legacy and continue to build upon the successes of the Urban Indian Health Program. The Subcommittee has consistently fought for the Urban Indian Health Program and last year took significant steps to reverse nearly a decade of underfunding. We thank the Subcommittee for recognizing that:

-  UIHPs overcome cultural barriers
-  UIHPs save costs and improve medical care by getting Urban Indians to seek medical attention earlier
-  UIHPs reduce costs to other parts of the Indian Health Service by reducing their patient load
-  UIHPs are a key provider to many uninsured urban Indians who may not go elsewhere for health care services

Today's Urban Indians are descendants of those tribal people who were relocated in the 1950s as part of the federal relocation program established by the Bureau of Indian Affairs. Congress has consistently acknowledged the government's trust responsibility extends to American Indians and Alaska Natives (AI/AN) living in urban settings. A Senate report relating to the Indian Health Care Amendments of 1987 noted: "The responsibility for the provision of health care, arising from treaties and laws...in exchange for the cession of millions of acres of Indian land *does not end at the borders of an Indian reservation.*"

**Urban Indian Health Disparities**

Urban Indians share in the same health disparities as other American Indians and Alaska Natives living in their tribal homes. Research done by the Urban Indian Health Institute in Seattle, WA

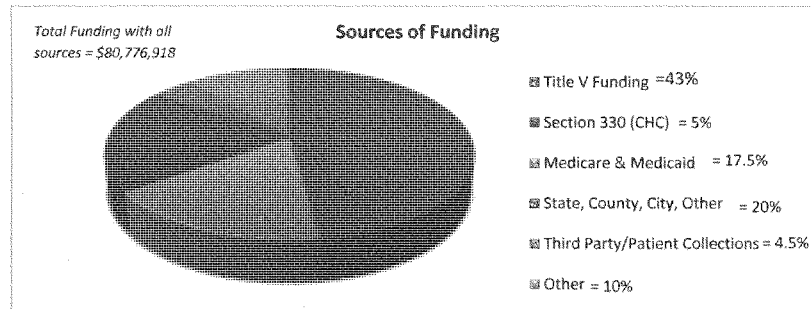
demonstrates the alarming health disparities of Urban Indians. The following statistics show rates that are significantly higher than the general U.S. population:

Health Issue	Percent higher than U.S. Population
Diabetes	54%
Chronic liver disease and cirrhosis	126%
Mortality (due to accidents)	38%
Alcohol related deaths	178%
Sudden Infant Death Syndrome	157%

These statics demonstrate the continuing need for the Urban Indian Health Program. Moreover, the ongoing recession has added additional stressors to urban Indian communities such as rising unemployment, loss of health insurance, and homelessness. Many urban Indian health programs have seen their new patient numbers soar during the past year while also watching many traditional sources of resources wither. The Hunter Health Clinic in Wichita Kansas reported an additional 1,200 new patient inquires in one month alone when the local airplane construction company closed down. The NATIVE Project in Spokane, WA reported increased seeing roughly 25 to 50 new patients a month for a period of several months when tribal business failed, forcing Indian people to relocate from their reservation homes to the urban centers to search for work. Many Indian health programs are facing the same strain on their already stretched resources. The need of urban Indian people for these programs as a source of health care and community stability is great, and this need will only continue to grow if the economic environment continues to decline, or if the economic recovery is a jobless recovery.

#### Leveraging Funding to Increase Services

Title V health programs and clinics excel at leveraging their Indian Health Service dollars to obtain additional funding from other Federal, State, and local sources. The breakdown of how Title V clinics and health programs are able to leverage funds is show below:

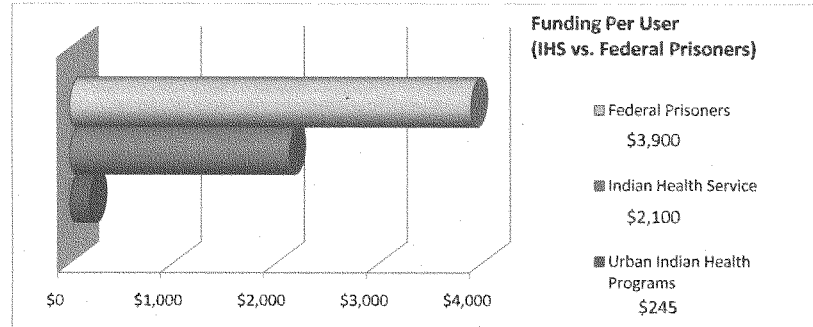


As a general rule the 36 programs and clinics constituting the Urban Indian Health Program are able to leverage two new dollars for each dollar of original investment. The ability of the program to effectively seek out additional funding by leveraging the base funding from IHS makes the UIHP a sound investment of Federal funding.

While Title V programs are adept at finding other sources of funding, they are only able to do so through a solid initial investment by the Indian Health Service. When that base funding is insufficient to maintain core services the competitiveness of the Urban Indian Health Programs for other private and federal grants is badly damaged. When the competitiveness of the UIHP clinics and programs is damaged it is ultimately the urban Indian patients that suffer.

#### Comparison of Funding Allocation

The fact that the Indian Health Service continues to be desperately underfunded is widely known. The FY2010 Congressional Appropriations made great strides to address this disparity, and NCUIH is relieved that the Indian Health Service was not included in the Obama Administrations' FY2011 budget freeze. The Interior Appropriations Subcommittee has long recognized the need for the UIHP and consistently sought to fund the UIHP and the entire IHS at the highest possible level. NCUIH hopes that Congress will not only follow the White House's lead, but also build upon the modest increases in the President's FY2011 Budget Request. Despite these modest increases in President's FY11 Proposed Budget, the Indian Health Service continues to be underfunded. Due to the chronic underfunding of the Indian Health Service, the Urban Indian Health Program is also desperately underfunded as the chart below demonstrates:



In light of this data, the National Council of Urban Indian Health urges Congress build upon the Obama Administrations' suggestions and work towards fully funding not only IHS but the UIHP line item. Furthermore, the ongoing recession has forced many states to cut their health programs and Medicaid reimbursements to the bone, drastically undercutting key sources of

funding for urban Indian health clinics. With an economy in a recession and unemployment rates continuing to rise, many clinics are reporting increased patient loads that are straining their already tight budgets. Health care costs are one of the primary reasons for individual bankruptcy filings. If AI/AN patients are unable to receive care at UIHP clinics and programs the likelihood that they will be forced into bankruptcy increases, which then increases the likelihood of their return to their home reservations, thus straining tribal budgets and social services.

Moreover, unlike Community Health Centers, the Indian Health Service, and other federally funded health programs, the Urban Indian Health Program did not receive any funds under the American Recovery and Reinvestment Act. This left urban Indian health programs to deal with the impact of the recession unbolstered by the increase in federal funds other health programs received. Despite the increase in funds under the FY10 Congressional Appropriations, which is only just now being dispersed to Urban Indian Health Programs, the UIHP is still significantly underfunded and struggling with the affects of the recession. As the recession leads States to continue to slash Medicaid reimbursements and eligibility, as well as other critically need health and social welfare programs, the urban Indian health programs are increasingly dependent upon federal funds through the UIHP line item to make up for lost revenue. With the history of the UIHP underfunding and in light of the continuing economic troubles, the National Council of Urban Indian Health respectfully asks for a \$4 million dollar increase over the FY11 President's Proposed Budget to \$50million for the Urban Indian Health Program line item.

#### **Budget Request**

The National Council of Urban Indian Health is asking for a \$4 million increase for Urban Indian Health Programs over the President's FY2011 Proposed Budget for a total of \$50million for the UIHP line item. While this elevation in funding will not address the total need, it will help NCUIH and the UIHPs accomplish several goals in the future.

1. Improve access to and quality of health care services for AI/ANs living in urban areas.
2. Serve the unmet needs of the Urban Indian Health Program population.
3. Stabilize service levels in the face of increased State budget cuts and shortfalls.
4. Develop a Health Information Technology (HIT) system that effectively captures health status and patient care data.
5. Develop, expand, and stabilize the UIHP 3<sup>rd</sup> Party billing capacity.



Mr. MORAN. Very good. Nice going. Thank you, Mr. Roth. Mr. Cole?

Mr. COLE. Yes. Quick point again. Given the constituency which you serve, which is located primarily as your name implies, in urban areas, if you are not funded, where do your patients go?

Mr. ROTH. Back to the tribes.

Mr. COLE. Either back to the tribes, which can be a long way away—

Mr. ROTH. Or the emergency room.

Mr. COLE [continuing]. Or they become indigent care in the next hospital over that gets uncompensated for. So it is sort of penny-wise and pound-foolish. You are not funded. I promise you, they are going someplace else because they do not have the wherewithal to do it. And again, you do not have the concentration of skill sets that you get a lot of these claims that are used to dealing with Indian people. They know the special healthcare challenges that population has. So you guys do great work.

Mr. ROTH. Thank you. Thank you very much.

Mr. OLVER. May I just ask, as information, you are not eligible to get care at a community health center? Many of the urgent centers do have community health care center systems.

Mr. ROTH. Eight of our programs are dual-funded Urban Indian Health programs and community health center programs. A lot of our population will not go to the community health center programs that are not native-specific. Our patients have a hard time going there without the doctors and people that know how to care specifically for the Indian population.

Mr. OLVER. I have heard that other years, yes, and I really do not entirely understand that other than—

Mr. ROTH. Well, there are different issues like amount of time that they are able to spend with patients to deal with the specific issues. There are long issues that our population has, medical disparities that our population has that require longer times sitting down and talking and, you know, being culturally sensitive. The community health centers do not necessarily do that.

Mr. MORAN. But they are allowed to?

Mr. ROTH. They are allowed to, yes.

Mr. MORAN. And we would encourage Native Americans to take advantage of that if that is what is most accessible because we are putting more money into those community health centers.

Mr. COLE. I could not agree more. Those are great investments. But it is also a population that is different, literally, genetically than the rest of the population to some degree, and it has certain susceptibilities to certain diseases. And you just will not get the expertise unless you are dealing with a large enough concentration of that population to get it there.

Mr. ROTH. Yeah.

Mr. MORAN. On the other hand, if more Native Americans did use the community health centers, they might beef up and become more sensitive. Any way, good point.

Mr. OLVER. On the other hand, if there are eight of them that you do actually have arrangements with and are being sensitive to the kinds of issues that you raised, there is no reason why there cannot be 18.

Mr. ROTH. Yes, and I got to say, Dr. Wakefield, the administration—is really working to increase those and we want to work with them on it.

Mr. MORAN. That is what we want to see. Excellent. Thank you very much, Mr. Roth.

Mr. ROTH. Thank you.

Mr. MORAN. Next we will hear from Larry Wawronowicz who is the National Resources Director, Lac du Flambeau Band of Lake Superior Chippewa Indian Tribe from Wisconsin.

Mr. WAWRONOWICZ. Yes, how are you doing?

Mr. MORAN. Fine.

Mr. WAWRONOWICZ. Congratulations on your appointment.

Mr. MORAN. Thank you, Mr. Wawronowicz.

Mr. WAWRONOWICZ. When Jim Zorn indicated that pictures are worth 1,000 words, there is about a million words in there. If you want to share that, it gives you a little bit of an——

Mr. MORAN. Oh, pictures, yeah.

Mr. WAWRONOWICZ [continuing]. Opportunity to talk about Lac du Flambeau. It is located in the northern part of Wisconsin. I do have two Lac du Flambeau tribal members that are located in the audience, and one is named Eric Chapman. He is our——

Mr. MORAN. In fact, if they would like to sit beside you, that is fine while you give testimony, if they would like to.

Mr. WAWRONOWICZ. He is newly elected and tribal council member in October, and I have Patty Brown-Schwalenberg in the back that gave a presentation earlier.

Mr. MORAN. Yes. We heard from her. She did a good job.

Mr. WAWRONOWICZ. Yeah.

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TUESDAY, MARCH 23, 2010.

**LAC DU FLAMBEAU BAND OF LAKE SUPERIOR  
CHIPPEWA INDIAN TRIBE, WISCONSIN**

**WITNESS**

**LARRY WAWRONOWICZ**

Mr. WAWRONOWICZ. Mr. Chairman and members of the committee, I am Larry Wawronowicz, and I am the Natural Resources Director for the Lac du Flambeau Band of Lake Superior Chippewa Indians. I am going to be brief today because we have a written document that gives you a lot of detail on what we support within the President's budget, as well as what our concerns are. And I respectfully submit this testimony on behalf of the tribal membership of the Lac du Flambeau Band of Lake Superior Chippewa Indians. This is what we are doing it for. We are doing it for the members.

The Lac du Flambeau Band supports the inclusion of the Circle of Flight program as the BIA's base program at the amount of \$600,000. This is a very important program for us in terms of protecting our wetland resources within the Great Lakes Region as well as enhancing waterfowl, and you know how important waterfowl is in terms of providing the opportunity for tribal members to hunt for subsistence as well as it supports a good hunting program within the Great Lakes Region.

The Band also supports the \$8.5 million for GAP, and the \$30 million for multi-media grant programs. But we are a little bit concerned about the \$93 million reduction in the Clean Water and Drinking Water State Revolving Fund. But the set-aside for tribal programs has increased, and we appreciate that support for you to keep that in there.

The Great Lakes Restoration initiative of \$475 million at the fiscal year 2010 level, I wish we can maintain that in the fiscal year 2011 budget.

The tribe appreciates the increase in indirect costs for the BIA programs, but we do not understand why there was a \$9.4 million absorption of fixed costs such as salary and fringe within the President's budget. We would like to request this committee to restore that funding.

Eric Chapman is our chief conservation law enforcement officer as well as a very important component of our Tribal Natural Resource Department. We have a very comprehensive program and conservation laws. This is one of the programs. This program is totally funded by tribal funds. There is no BIA funding whatsoever that is going into our program, and that is around a \$248,000 budget. Because of the economic downturn, we reduced our conservation law enforcement officers from four individual officers to two. And it is costing us about \$100,000 per officer to put them in patrol vehicles and taking care of business within the boundaries of the reservation.

So we are asking Congress to maybe direct some funding through the Bureau of Indian Affairs to support our conservation law enforcement programs. We have two officers that are basically patrolling a 144-square-mile reservation, and it is not very safe just having two people on board.

While we support the Administration and the Congress' support on trying to increase public safety in Indian country, we feel that some of the funds in the proposed budget are misdirected. An earlier presenter indicated that the \$19 million the BIA is going to give the FBI or the Department of Justice for 45 I believe FBI agents, we feel that is misdirected and maybe not the best use of the dollars, and we would like to see that money go to conservation law enforcement officers so we can protect our resources within the Lac du Flambeau Indian Reservation. Conservation law enforcements are always our first line of defense to illegal activities occurring on the reservation.

The Lac du Flambeau Band supports the \$3.6 million and \$2.8 million for tribal fish hatchery operations. We would like to see BIA forestry monies increase. I think there is a decrease of \$156,000 which is in this year's budget which is not a lot but has totally been underfunded since 1991. And any decrease is going to have a negative impact on our ability to do business. It has economic development potential, helps us fight things like climate change because, you know, sequestering carbon and things like that.

Historic preservation, we also need funding there. \$120,000 I guess is being requested to support tribal historic preservation offices. That is about \$12 million because they anticipate THPOs across the country.

And lastly, higher education is becoming so important for us at Lac du Flambeau because we are getting more and more people that are graduating from high school and going onto college and graduate work.

So we support the budget of \$2.1 million, but we are concerned that this particular budget is remaining flat over the few years, and maybe it is something that we can take care of in this budget but just make it something that we could red-flag for the future.

So again, thank you very much for your time. I really appreciate it, and again, congratulations on your appointment, sir.

[The statement of Larry Wawronowicz follows:]

TESTIMONY  
of  
**LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS**  
**APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**  
**FY2011**

This testimony is respectfully submitted on behalf of the Lac du Flambeau Band of Lake Superior Chippewa Indians, located in Wisconsin, and reflects the needs, concerns and issues of the Tribe's membership regarding the proposed FY 2011 Budget. We believe that the FY 2011 Budget reflects the Administration's dedication to addressing funding shortfalls that have plagued Indian Country and its continuing dedication to building a nation-to-nation relationship with tribes. However, while we support much of the Budget's proposals, we do have concerns.

Because the Tribe embraces the Seventh Generation concept and believes that without a healthy Mother Earth we cannot have healthy people now or in future generations, we are very supportive of the inclusion of the Circle of Flight program in the base budget. The proposed FY 2011 Budget provides \$600,000 in the Tribal Management/Development Program (TMD) account for this important program after years of its exclusion from the base budget. Circle of Flight provides critical resources necessary to restore and preserve wetlands and waterfowl populations, which are vital to the culture and economy of the Great Lakes region. Improved tribal wetland habitats supports waterfowl and other bird species especially in the spring and fall migrations, provide expanded hunting opportunities for tribal members and the general public, and offer enhanced wild rice gathering opportunities. In addition to protecting these natural resources, returning this funding to the base budget will support economic development in this region and assist the Tribe in the hiring of 1.5 FTE employees – specifically a Wildlife Biologist and Wildlife Technician – to implement and support these programs.

We also support the overall budget for the Environmental Protection Agency. Specifically, we support the \$8.5 million in GAP grant funding and the \$30 million for the new multimedia grant program to assist tribes with implementing environmental compliance programs on tribal lands, such as those under the Clean Air Act or RCRA. It is important for tribes to protect their members by ensuring that their lands are healthy and sustainable – just as important as it is for federal and state governments to protect their citizens. While we are concerned that funding for the Clean Water and Drinking Water State Revolving Funds were decreased by \$93 million, we fully support the increased Tribal set-aside. We support the continued funding for the Great Lakes Restoration Initiative, but ask that funding for the Initiative be returned to FY 2010 levels of \$475 million to provide the opportunity for the restored funds to allow the Tribe to maintain our Great Lakes Restoration Specialist and continue to restore habitats on the Reservation.

The Lac du Flambeau Tribe supports the proposed increase to the Bureau of Indian Affairs' budget for Indirect Costs to 94% of the FY 2007 level. However, the Tribe is concerned with the proposed \$19.4 million absorption of fixed costs. It is anticipated this absorption would amount to a reduction of funding for fixed costs, such as for salary and fringe, by \$12.4 million in Indian Country. This is money we just cannot absorb at this time. Health Care costs are still

rising at an alarming rate, which continues to compound the problem. Therefore, the Lac du Flambeau Tribe requests Congress restore the \$19.4 million dollars to the BIA Budget.

Our support for and concerns regarding the proposed FY 2011 Budget for Natural Resources, Law Enforcement and Higher Education are below.

#### **I. Natural Resources**

Tribes are leaders in natural resource protection and BIA natural resource funding is essential for maintaining our programs. Lac du Flambeau has a comprehensive Natural Resources Department and dedicated staff with considerable expertise in natural resource and emergency and land management. Among other activities, our Department raises fish for stocking, collects data on water and air quality, develops well head protection plans, conducts wildlife surveys and administers timber stand improvement projects on our 86,000-acre Reservation. All of these activities speak directly to our Tribe's economic, environmental, and physical health. Unfortunately, natural resource programs have been cut or flat-funded for many years now, and tribes have been forced to lay off staff and shut down programs, leaving critical resources in jeopardy.

**Conservation Law Enforcement Officers.** One of the critical elements of our Natural Resource program is our Conservation Law Enforcement Officers. These Officers are primarily responsible for enforcing hunting and fishing regulations related to the exercise of treaty rights, but they also have a much larger role in law enforcement. They are often the first to respond to emergency situations, handle the management of environmental emergencies, such as forest fires or tornado damage, and are the first line of defense for illegal activity on the Reservation. The lack of adequate law enforcement resources on reservations is a well-known problem that plagues the public safety of tribal communities. Conservation Law Enforcement Officers are an incredibly important part of protecting our treaty rights and enabling us to protect our communities by supplementing our law enforcement presence.

Unfortunately, our Conservation Officers are now 100% dependent on tribal funds. This costs the Tribe \$248,000 annually, in addition to the \$682,700 the Tribe pays for its non-conservation law enforcement programs. The Bureau of Indian Affairs does not provide any resources for this activity, which plays a significant role in protecting our community and is critical to maintaining and protecting our treaty rights. Protection of our natural resources is the protection of our treaty rights. The Tribe's funding can only support two Conservation Officers on duty at a time to patrol a 144 square mile Reservation that includes 260 lakes, 24,000 acres of wetland and 46,000 acres of forested land. If the BIA is unable to provide money to allow our Conservation Officers to continue their important mission, Federal officers will have to step up to take over and uphold the United States' binding obligations toward these treaty rights. We request that money be provided in the Budget for Conservation Law Enforcement programs.

**Forestry.** The Tribe continues to request that the Subcommittee increase funding for BIA Forestry Programs. Our Reservation contains 46,000 acres of forested land that supports hunting, gathering and employment opportunities for tribal members. Proper management of the forest is essential not only to sustain our subsistence lifestyle, but also to provide economic

growth for the Tribe. We recognize that in this tough economic time, the Administration and Congress must make tough choices. However, it would be more costly if sensible resource management is sacrificed. Forest management not only provides a mechanism for economic development for tribes, it is a fundamental activity that protects forested communities from wildfire, enhances resource conservation and combats climate change.

Commercial forestry provides Tribes with an important source of economic revenue and job creation. In our Tribe, two foresters and one technician undertake a broad range of management activities, including tree planting, prescribed burning, forest road design and maintenance and timber sale establishment and administration. If properly funded, timber sales could provide a source of tribal revenue. Forest management activities provide important wildfire suppression functions and manage invasive species. If forest management programs go unfunded, the future costs of destruction due to wildfires or invasives could be devastating.

The total cost of operating the forestry program is approximately \$217,000. In the last several years the level of funding from the BIA has been less than half of this, and the program has not received substantial funding increases since FY 1991. The proposed Budget reflects a decrease of \$156,000 in funding for BIA Forestry Projects. We request that Congress reject the decrease to this already underfunded program and begin to fully invest in protecting our forested lands.

**Fish Hatchery.** The Lac du Flambeau support the \$3.6 million provided for Fish Hatchery operations and the \$2.8 million provided for Fish Hatchery maintenance. This is equal to the funding provided in the FY 2010 Budget and is an amount triple that provided in FY 2009.

**Historic Preservation.** In 1995, Congress began encouraging tribes to assume historic preservation responsibilities as part of self-determination activities. It is estimated that in FY 2011 there will be 100 tribes approved by the Secretary of the Interior to administer historic preservation programs. These programs conserve fragile places, objects and traditions crucial to tribal culture, history and sovereignty. As was envisioned by Congress, more tribes qualify for funding every year. In FY 2001, there were 27 Tribal Historic Preservation Officers (THPOs) with an average award of \$154,000 per tribe. Currently, while the number of tribes operating THPO programs has increased, Lac du Flambeau now only receives \$74,145. Paradoxically, the more successful the program becomes overall, the less each tribe receives to maintain professional services, ultimately crippling the programs. To provide a minimum level of services, these offices require at least \$120,000. Therefore, we request that the Budget provide the minimum \$120,000 for each tribe operating a THPO program.

## **II. Law Enforcement**

We commend the focus the Administration and Congress has placed on improving public safety in Indian Country. As we all know, tribal communities experience a highly disproportionate level of crime and adequate law enforcement resources have been woefully underfunded for decades. The rate of violent crime for Native Americans is more than twice the national average. The Administration has shown its commitment to addressing public safety issues by holding a series of listening sessions throughout Indian Country. We believe that these

listening sessions have led to the repackaging of tribal criminal justice programs in the FY 2011 Budget for the Department of Justice in an attempt to create a more flexible tribal criminal justice program. Unfortunately, we believe that some funds provided to the BIA for public safety are misdirected.

Specifically, we do **not** support the \$19 million to be used for the BIA to reimburse the DOJ for 45 additional FBI agents dedicated to Indian Country. While we greatly appreciate the intent to increase law enforcement presence in Indian Country, we do not believe \$19 million for only 45 FBI agents is the most efficient or effective way to increase public safety in tribal communities. While 45 additional FBI agents would significantly increase law enforcement presence if they were dedicated to only a handful of communities, the reality is that it is too small of a number for all of Indian Country to feel the affect. Essentially, approximately 365 federally-recognized tribes would not see the effects of this increase in FBI presence.

Instead of overspending on a few FBI agents and their support staff, we believe that the \$19 million would be of better use if it were put towards Conservation Law Enforcement Officers. As was mentioned earlier in our testimony, these Officers provide the first line of defense for many tribal law enforcement departments. They perform the same public safety functions as do law enforcement officers, and protect our natural resources. We feel that staffing Conservation Law Enforcement officers is a more efficient use of the money and will put more boots on the ground in Indian Country.

### **III. Higher Education**

To continue the progress Indian Country has made in participation and control of education programs and schools, it is imperative that funding for tribal higher education programs be increased. The Tribe's high school graduation rates are improving, but are still far below national standards. President Obama has repeatedly expressed his commitment to national education programs, and in his address to Indian Country he made a commitment to honor "obligations to Native Americans by providing tribes with the educational resources promised by treaty and federal law." We embrace that commitment, but we want to remind you that the need for support does not lie only with high schools. Our students who want to pursue higher education need our continued support.

The Budget proposes \$2.164 million for Special Higher Education Scholarships (SHEP) to support Indian students working for graduate degrees. We strongly support the SHEP program, but are concerned that funding for it has remained flat over the last couple of years. Tribal communities have made great strides in educating their youth. Those strides are evident in the fact that more Indian students are attending and graduating from colleges and other post-secondary institutions. However, tribal communities must continue to evolve with other communities. The national and global economy has changed –students must earn graduate degrees to remain competitive. After making progress in Indian education, Indian students cannot be allowed to fall behind again because of lack of access to higher education programs.

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Mr. MORAN. Thank you, sir. Thank you very much. Thanks for the testimony. I appreciate it and all the explanatory material as well.

Mr. WAWRONOWICZ. Yeah, there is a good video on there, so if you do not have anything else to do——

Mr. COLE. Mr. Chairman, if I could ask one question?

Mr. MORAN. Yes, Mr. Cole.

Mr. COLE. This might be more appropriate to staff because I do not know if you would know, Mr. Roth. But this \$19 million to the 45 FBI agents has come up several times in testimony, a lot of concern. Nobody is hollering, yeah, this is a great idea. Do you know if those agents would be stationed specifically on reservation land?

Mr. WAWRONOWICZ. No, the way I understand it there are 565 federally recognized tribes in the United States. I think it is going to have an impact on 200 tribes. So there would be about 365 tribes that may or may not be affected. It does not really put a lot of boots on the ground as far as I am concerned within Indian country. You know, if the \$19 million goes to blue force, I call it, or brown force, conservation law enforcement, I think it would be a better, efficient use of the money.

Mr. COLE. I may be wrong. Maybe again we can direct these questions to the Secretary, but you know, I think the argument behind it is, look, they have got jurisdictional authority that obviously, unfortunately, tribal law enforcement does not have and this sort of beefs it up and speeds it up. So there is an argument either way, but I would just like to know a little bit more about it.

Mr. WAWRONOWICZ. Well, if we could help in some way, you know, please give us a call.

Mr. COLE. You already have.

Mr. WAWRONOWICZ. Contact information——

Mr. COLE. Because just waving the red flag helps a lot.

Mr. MORAN. Yeah, it is something we should look at. It may very well not be the optimal use of funds.

Mr. WAWRONOWICZ. Thank you, Mr. Chairman.

Mr. COLE. Thank you very much. Thank you.

Mr. OLVER. May I make——

Mr. MORAN. Yeah, Mr. Olver.

Mr. OLVER [continuing]. A very strict comment?

Mr. MORAN. Yeah.

Mr. OLVER. I am reminded that the hearing that I was talking about is at 2:00 in the afternoon rather than at 10:00 in the morning. So if anybody was inclined to visit with that subcommittee as we talk about housing and road building on the reservations, then it is 2:00 at 2358 Rayburn Building.

Mr. MORAN. So that means you can stay up late, celebrate tonight, sleep late in the morning and come back at 2358 Rayburn for Mr. Olver's hearing on housing and transportation.

Mr. WAWRONOWICZ. Thanks again.

Mr. MORAN. Thank you. Next we will hear from Tracy Ching King, the President of the Fort Belknap Indian Community in Montana.

TUESDAY, MARCH 23, 2010.

**FORT BELKNAP INDIAN COMMUNITY, MONTANA****WITNESS****TRACY CHING KING**

Mr. KING. Thank you, Mr. Chairman. I really do not have any pictures, just requesting a picture perfect budget.

Again, my name is Tracy Ching King. I serve as the President of the Fort Belknap Indian Community Council, home of the Assiniboine and Gros Ventre Nations. North Central Montana where winter is still there, and we are requesting some help with issues. Just like everyone else, we have our issues regarding 638 contracts. It seems like we are treated like prisoners and we are on probation sometimes, and to me that is not the way to treat us. I feel that the BIA should be working with us, not against us.

A good example is: once we 638 contracted our law enforcement and our detention, the FTEs were 55,000 and that was cut to 27,000 now. So we have half the funding that we should have, but once the BIA will take over, usually it goes to 100 percent funding.

A lot of issues were talked about regarding different budgets. We are working on programs to try to deal with a lot of different abuses. Myself, I do not believe in locking up people. I believe in helping them. I have worked with kids that were ready to be locked up, and one of the things that happened with a grant through the Department of Justice about 10 years ago, many of them were ready to be locked up. Today a lot of them come back from Iraq, serve their country. I come from a family of veterans, historically, and my daughter served in Iraq in the satellite imagery capturing insurgents, and the DA and sometimes IHS, they treat our veterans as if they were the tennis ball of the Williams sisters competing against one another.

[The statement of Tracy Ching King follows:]

**TESTIMONY OF  
Mr. Tracy 'Ching' King  
President  
Fort Belknap Indian Community  
Fort Belknap Indian Reservation, Montana**

**BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

**March 23, 2010**

I am pleased to be here today to provide input for the Bureau of Indian Affairs and Indian Health Service FY2011 Budgets on behalf of the 6,700 Gros Ventre and Assiniboine tribal members of the Fort Belknap Indian Reservation located in North Central Montana.

My testimony today is directed towards the Fiscal Year 2011 Appropriations budget of the Bureau of Indian Affairs, Indian Health Service and Education programs. Tribal governments, just like state and municipal governments, provide critical services, shape values, and promote jobs and growth on our respective reservations. Though federal spending for Indians has lost ground compared to spending for the U.S. population at large, tribal self-governments have proven that the federal investment in tribes pays off.

Our local tribal governments which address the concerns and needs of our local constituents have the most at stake, we are the party responsible for our citizens and ultimately the ones most accountable for the economic conditions, and protection of our reservation communities. The following information is provided to you through the Fort Belknap Indian Community Council and in collaboration with the programs funded through P. L. 93-638 programs contracted by our tribal government.

**BUREAU OF INDIAN AFFAIRS  
CORRECTIONS, LAW ENFORCEMENT & TRIBAL COURTS  
Detention/Corrections**

Requesting \$2,000,000. in funding for additional staffing and equipment for our

detention officers working in our facility that is to be completed in October 2010. We need 18 staff members to cover rotating shifts, and operation and maintenance of the new facility. The current budget for the Fort Belknap Corrections Division is \$79,618. far less that what we need to operate a safe environment for offenders.

#### **Law Enforcement**

Requesting \$1,543,000 in funding to provide law enforcement services on the 725,000 acre reservation. Basic needs include armored vests, outdated duty weapons, replace old patrol units and updated computer technology. We currently offer inadequate salaries for our law enforcement officers. Tribal police departments cannot compete for officers that are compensated by county, state, and Bureau of Indian Affairs salaries. Once trained in BIA academies, the officers then leave for higher paying jobs which include health incentives and other benefits that attract officers. The cost of training officers to very high as Tribes must cover their salary of the officer being trained for 12-16 weeks, and their replacements who stay at home to provide law enforcement services.

#### **Tribal Courts**

Requesting \$632,754 to fund additional staff positions, update computer software/data collection systems, provide staff training and update technology.

#### **LAND**

##### **Tribal Land Department**

Requesting \$2,000,000 to upgrade our tribal land department to develop and implement technology that would put all of the tribal leases and land holdings onto computers to make them compatible with the BIA and state departments.

#### **ROADS MAINTENANCE**

##### **Roads Maintenance**

Our roads maintenance department is responsible for the system that encompasses the 725,000 acres of our reservation. The severe Winter this year depleted the funding of this program as our snow plows and crews worked 24/7 during the storms. This department is also responsible for maintaining our road system throughout the fiscal year. This Winter we spent \$175,00 for snow removal alone.

#### **OIL & GAS & MINERALS**

##### **Gas, Oil, and Mineral Development Office**

We are desperately in need of professional staff assisting the Tribal Council in developing an energy department within the tribal structure that will have the expertise in the development of our tribal energy resources of gas, oil and minerals. We are requesting \$200,000 for start up funds for this endeavor.

**WATER****Indian Water Rights and Water Compact Settlements**

We ask that you continue to recognize the Indian Water Rights of Tribes across this country. Fort Belknap is the home of the Winters Doctrine, where Indian reserved water rights began, and is the doctrine that protects these rights beginning with the U.S. Supreme Court decision. Support for water claims in Congress now and in the future is important. We will be submitting a compact settlement in excess of \$250 million to Congress in the near future for funding.

**Irrigation Projects & Attorney Fees**

**Requesting \$1,250,000 for continued operation and maintenance of the Milk River Irrigation Project** that provides quality water services to area farmers and ranchers for stock and crop production. Additionally, **we are requesting \$150,000 for Water Rights Attorney fees** to assist the Tribal Council with litigation and assistance in submitting our water compact to Congress.

**EDUCATION, EMPLOYMENT & TRAINING****Higher Education Scholarships**

Higher Education Scholarship funding for Indian students are needed to attract and support individuals into the education, health other noteworthy professions. These students once graduated would come back to reservations and provide high quality medical services to our tribal members. Increase funding level by \$20 million.

**Tribal College Funding**

Increase the amount of funding for Fort Belknap College and tribal colleges across the nation for students receiving funding in the amount of \$8,000 per student as they currently only receive half of that amount. Black Colleges funding for their students is twice that amount and our students deserve the same.

**Employment and Training Programs**

Requesting \$2,000,000 for workforce training/development and summer youth employment programs to prepare tribal members especially our young adults that would prepare them for future employment. We have over 400 adults and 900 youths needing assistance.

**CONTRACTUAL SUPPORT**

We request that funds be provided to the Bureau of Indian Affairs for an increase in this line item for all of the P. L. 93-638 programs that Tribes across the country need to support these programs

## INDIAN HEALTH SERVICE

### WATER TREATMENT PLANT

Fort Belknap requests Operation and Maintenance costs for the following public water supply operations in the reservation communities. On Fort Belknap there are five (5) different water systems that serve the communities of the Agency, Lodge Pole, and Hays. We have a total of 3,000 water users from 591 service connections and it costs \$776,498 annually to operate the system. Limited customer revenue and a small tribally paid subsidy generates \$234,610, leaving a balance of \$543,888, which the Tribe cannot afford. We are experiencing a shortage of operation and maintenance funds. ***We are requesting an annual funding amount of \$543,888.*** to pay the operation and maintenance costs of these systems.

### Special Diabetes Programs for Indians & Dialysis Center for Patients

Additional funds for our diabetes patients need increased funding to properly diagnose and treat this deadly disease. ***We strongly support a funding level of \$200 million for SPDI.*** We desperately need dialysis centers on reservations as our people have to travel great distances to receive these treatments causing great hardship to them and also a financial burden on tribes.

### Substance Abuse & Mental Health Services Administration (SAMHSA)

Request that you increase the funding to SAMHSA grants to \$15 million nationwide in order that Indian tribes such as Fort Belknap can apply.

### Indian Professionals

Scholarship funding for Indian students are needed to attract and support individuals into the health professions. These students once graduated would come back to reservations and provide high quality medical services to our tribal members.

### Facilities & Construction

At Fort Belknap, we are currently building new residential quarters to attract health professionals. Since construction costs have sky rocketed we were only able to build a six-plex and 10 homes. The original plan was to build 29 homes but due to high construction costs this was down sized to 16 homes. We need an additional \$8 million to complete the entire project.

### Suicide and Methamphetamine Treatment and Prevention Initiative

We fully support the an increase to \$16.4 million for this program. We have had 1 suicide and 4 attempts this past month. But, we also want the IHS to develop and utilize a distribution plan of these funds.

-4-

Mr. MORAN. That is inexcusable, and I appreciate you bringing it to our attention.

I have to bring to the attention of everyone here, though, we have just been informed we are going to have votes about 3:45. They are going to take us to about 4:30. At 4:30, I have a hearing that I have got to attend with the Chair of the Chief of Staff of the Army, actually, on army funding. So we are going to run out of time, unless Mr. Olver is able to come back, I do not know whether you are going to be able to about 4:30, John.

Mr. OLVER. Oh, at 4:30?

Mr. MORAN. Yeah. Well, if that being the case, we have got nine more. You are the 10th, Mr. King. I do not see how else we are going to have this hearing. I do not think it is fair to bring people back another day, so let us try to move through as many people as we can out of consideration for everyone. I hate to do this.

Mr. KING. I am finished, Mr. Chairman.

Mr. MORAN. The staff warned me that this could happen, and I thought that we could move forward anyway.

Mr. KING. Okay.

Mr. MORAN. But we have all of your testimony for the record.

Mr. KING. Thank you.

Mr. MORAN. Mr. Pomeroy is here. Mr. Pomeroy, did you want to say anything quickly with regard to Fort Belknap?

Mr. POMEROY. Thank you. Let me just say a couple words for the record. You will hear either in oral or written form from David Gipp, the President of the United Tribes Technical College in Bismarck, North Dakota. This is one of two multi-tribal colleges that was founded 41 years ago, offers 17 vocational and technical programs, 11 1-year certificates and a 4-year degree to elementary education, 81 percent retention rate, and an extraordinary placement rate of 94 percent, Mr. Chairman.

Mr. MORAN. Mr. Gipp, did you want to come up? We are going to have to move through this very quickly, unfortunately, but—

Mr. POMEROY. Let me just say, this outfit is the best. What they do is remarkable. Thank you, Mr. Chairman.

Mr. MORAN. Thank you, Mr. Pomeroy. Very quickly. Mr. King was in the middle of some very good testimony, and I am sorry, Mr. King, it is very embarrassing that this kind of thing happens.

Please, very quickly, Mr. Gipp, but we do want to hear from you.

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TUESDAY, MARCH 23, 2010.

## **UNITED TRIBES TECHNICAL COLLEGE, NORTH DAKOTA**

### **WITNESS**

#### **DAVID GIPP**

Mr. GIPP. Thank you, Mr. Chairman, and members of the Subcommittee. I will make it very quickly here within the next 1 or 2 minutes.

We do have five major points within our testimony that we would like the committee to consider. One is our general operating funds for United Tribes which is at about 6.4 percent in the request. We are also working very heavily with the Bureau of Indian Affairs

and with the new Administration relative to law enforcement and police training. We are requesting \$4.3 million to fund a Northern Plains Indian Police Academy of which we have pretty unanimous support from all of our tribes in our region, and we are also working on a science and technology building that is for \$3 million. Another \$3 million for an expansion on our south campuses. You know we have been operating for over 41 years now, and we are also supporting the \$23 million request for the Bureau of Indian Education for elementary and secondary schools.

And that would summarize basically our testimony. We have about 1,100 adults and about 400 children on our campus with a K through 8 elementary school. Thank you so much.

[The statement of David Gipp follows:]



**UNITED TRIBES TECHNICAL COLLEGE**

3315 University Drive  
Bismarck, North Dakota 58504  
701-255-3285

Submitted to the House and Senate Interior, Environment and Related Agencies  
Appropriations Subcommittees

David M. Gipp, President

March 19, 2010

For 41 years, United Tribes Technical College (UTTC) has provided postsecondary career and technical education, job training and family services to some of the most impoverished Indian students from throughout the nation. Unemployment among the Great Plains tribes, where 75% of our students are from, typically run at about 75%. Nearly half who are employed are living under the poverty line (2005 BIA Labor Force Report). We are governed by the five tribes located wholly or in part in North Dakota; we are not part of the North Dakota state college system and do not have a tax base or state-appropriated funds on which to rely. We have consistently had excellent retention and placement rates and are a fully accredited institution. Bureau of Indian Education (BIE) funds represent about half of our operating budget and provide for our core instructional programs. These funds are authorized under Title V of the Tribally Controlled Colleges and Universities Act.

The requests of the UTTC Board for the FY 2011 BIE/BIA budget are:

- \$6.4 million in BIE funding for UTTC for our Indian Self-Determination Act contract, which is \$2 million over the FY 2010 enacted level. This is our base funding.
- \$4.375 million toward Phase I of a planned Northern Plains Indian Police Academy located at UTTC.
- \$3 million for Phase II of our Science and Technology Building.
- \$3 million for student housing on our South Campus to accommodate an increasing student population and also for anticipated needs related to a law enforcement academy.
- \$23 million increase over the budget request for Administrative Cost Grants for BIE-funded elementary and secondary schools for a total of \$69 million; this is not funding for our college, but rather for tribally-operated elementary and secondary schools.

Base Funding. UTTC administers its BIE funding under an Indian Self-Determination Act agreement, and has done so 33 years. Funds requested above the FY 2010 level are needed to: 1) maintain 100 year old education buildings and 50 year old housing stock for students; 2) upgrade technology capabilities; 3) provide adequate salaries for faculty and staff (who have not received a cost of living increase this year and who are in the bottom quartile of salary for comparable positions elsewhere); and 4) fund program and curriculum improvements, including at least three four-year degree programs.

Acquisition of additional base funding is critical as UTTC has more than tripled its number of students within the past six years but actual base funding for educational services, including

Carl Perkins Act funds has increased only 25 percent in that period (from approximately \$6 million to \$8 million). Our BIE funding provides a base level of support allowing the college to compete for discretionary contracts and grants leading to additional resources annually for the college's programs and support services.

Indian Police Academy. We have been working toward the establishment of a police training academy on our campus. We have done this with the encouragement of our Congressional delegation and tribes, especially those in the Northern Plains. To that end we signed a Memorandum of Understanding in 2008 with the BIA and the American Indian Higher Education Consortium to provide supplemental in-service training to BIA and tribal police officers as maybe agreed upon by the BIA. In FY 2010, \$250,000 was appropriated to the BIA and designated as special initiative of the Indian Police Academy in New Mexico to work with UTTC on law enforcement training matters. That is a good first step but we need to move to establishment of a full fledged police training academy for BIA and tribal police in the Northern Plains. The only Indian police academy now is in Artesia, New Mexico which, while doing excellent work, can train only 3 classes of 50 persons annually. There is an attrition rate of 47 percent, thus graduating on average 80 officers each year. Of those graduates, one-half will leave law enforcement as a career or move to an agency outside of Indian Country. The BIA estimates that tribal police officers are staffed at only 58 percent of need.

Our specific request for \$4.375 million is for Phase I of the police academy facility, which will include the basic building for instruction of 35,000 sq. ft., enough to train up to 165 law enforcement officers per year. We have entered into discussions with federal, local and state officials to ensure the facility and the training we offer will meet all requisite standards, and to coordinate what part of the facility should be placed at UTTC and which parts may be placed elsewhere, in order to share the cost.

UTTC testified before the Senate Committee on Indian Affairs on March 18, 2010, regarding law enforcement training, recruitment, and retention needs in Indian Country. We will make available to you our testimony from that hearing.

Math and Technology Building. UTTC provides education for more than 1,000 students in 100-year old former military buildings (Ft. Abraham Lincoln), along with one 33-year old "skills center" which is inadequate for modern technology and science instruction. We have completed Phase I of the building and now look to complete Phase Two. We have raised \$5 million, including \$1 million in private funding, \$3 million from the U.S. Department of Education and \$1 million in borrowed funds, and anticipate an additional \$1 million from the U.S. Department of Education Title III funds. The total project cost is expected to be around \$12 million. Our current facility lacks laboratories with proper ventilation and other technologies which are standard in science education. We lack a modern auditorium/lecture hall with features such as computer internet access and electrical outlets and a library with appropriate computer stations. Our present library has been cited by the accrediting agency as being inadequate.

Student Housing. We are constantly in need of more student housing, including family housing. We want to educate more students but lack of housing has at times limited the admission of new students. With the expected completion of a new Science and Math building

on our South Campus on land acquired with a private grant, we urgently need housing for up to 150 students, many of whom have families. New housing on the South Campus could also accommodate those persons being trained in our Northern Plains Police Academy.

While UTTC has constructed three housing facilities using a variety of sources in the past 20 years, approximately 50 percent of students are housed in the 100 year old buildings of the old Fort Abraham Lincoln, as well as in duplexes and single family dwellings that were donated to UTTC by the federal government along with the land and Fort buildings in 1973. These buildings require major rehabilitation. New buildings for housing are actually cheaper than trying to rehabilitate the old buildings that now house students.

Administrative Costs Grants for Elementary/Secondary Schools. As noted above, we recommend a \$23 million increase over the Administration's request for Administrative Costs Grants for BIE-funded, tribally-operated elementary and secondary schools. We have such a school on our campus – the Theodore Jamerson Elementary School. While Congress has, thankfully, recently increased funding for BIA and IHS Contract Support Costs for tribal governments, it has not done so for the tribally controlled BIE-funded elementary and secondary schools. The equivalent to CSC for these schools is Administrative Cost Grants.

**Below are some important things we would like you to know about our College:**

UTTC Performance Indicators. United Tribes Technical College has:

- An annual 80-90% percent retention rate.
- A placement rate of 94 percent (job placement and going on to four-year institutions).
- A projected return on federal investment of 20-to-1 (2005 study comparing the projected earnings generated over a 28-year period of UTTC Associate of Applied Science and Bachelor degree graduates of June 2005 with the cost of educating them).
- The highest level of accreditation. The North Central Association of Colleges and Schools has accredited UTTC again in 2001 for the longest period of time allowable – ten years or until 2011- and with no stipulations. We are also one of only two tribal colleges accredited to offer accredited on-line (Internet based) associate degrees.
- More than 20 percent of graduates go on to four-year or advanced degree institutions.

Our students. Our students are from Indian reservations from throughout the nation, with a significant portion of them being from the Great Plains area. Our students have had to make a real effort to attend college; they come from impoverished backgrounds or broken families. They may be overcoming extremely difficult personal circumstances as single parents. They often lack the resources, both culturally and financially, to go to other mainstream institutions. Through a variety of sources, including funds from the BIE, UTTC provides a set of family and culturally-based campus services, including: an elementary school for the children of students, housing, day care, a health clinic, a wellness center, several on-campus job programs, student government, counseling, services relating to drug and alcohol abuse and job placement programs. We are currently serving 168 students in our elementary school and 169 youngsters in our child development centers.

UTTC course offerings and partnerships with other educational institutions. We offer accredited vocational/technical programs that lead to 17 two-year degrees (Associate of Applied Science and eleven one-year certificates, as well as a four year degree in elementary education in cooperation with

Sinte Gleska University in South Dakota. We intend to expand our 4-year degree programs. While full information may be found on our web site ([www.uttcc.edu](http://www.uttcc.edu)), among our course offerings are:

*Licensed Practical Nursing.* This program results in great demand for our graduates; students are able to transfer their UTTC credits to the North Dakota higher educational system to pursue a four-year nursing degree.

*Medical Transcription and Coding Certificate Program.* This program provides training in transcribing medical records into properly coded digital documents. It is offered through the college's Exact Med Training program and is supported by Department of Labor funds.

*Tribal Environmental Science.* This program is supported by a National Science Foundation Tribal College and Universities Program grant. This five-year project allows students to obtain a two-year AAS degree in Tribal Environmental Science.

*Community Health/Injury Prevention/Public Health.* Through our Community Health/Injury Prevention Program we are addressing the injury death rate among Indians, which is 2.8 times that of the U.S. population. This program has in the past been supported by the IHS, and is the only degree-granting Injury Prevention program in the nation. Given the overwhelming health needs of Native Americans, we continue to seek resources for training of public health professionals.

*Online Education.* Our online education courses provide increased opportunities for education by providing web-based courses to American Indians at remote sites as well as to students on our campus. These courses provide needed scheduling flexibility, especially for students with young children. They allow students to access quality, tribally-focused education without leaving home or present employment. We offer online fully accredited degree programs in the areas of Early Childhood Education, Community Health/Injury Prevention, Health Information Technology, Nutrition and Food Service and Elementary Education.

*Criminal Justice.* Our criminal justice program leads many students to a career in law enforcement, and as noted elsewhere in this testimony, we are working toward establishment of a police training academy at UTTC.

*Computer Information Technology.* This program is at maximum student capacity because of limitations on resources for computer instruction. In order to keep up with student demand and the latest technology, we need more classrooms, equipment and instructors. We provide all of the Microsoft Systems certifications that translate into higher income earning potential for graduates.

*Nutrition and Food Services.* We help meet the challenge of fighting diabetes and other health problems in Indian Country through education and research. As a 1994 Tribal Land Grant institution, we offer a Nutrition and Food Services AAS degree in order to increase the number of Indians with expertise in nutrition and dietetics. There are few Indian professionals in the country with training in these areas. We have also established a Diabetes Education Center that assists local tribal communities, our students and staff to decrease the prevalence of diabetes by providing food guides, educational programs, training and materials.

Our BIE and Perkins funds provide for nearly all of our core postsecondary educational programs. Very little of the other funds we receive may be used for core career and technical educational programs; they are competitive, often one-time supplemental funds which help us provide the services our students need to be successful. We cannot continue operating without BIE funds. Thank you for your consideration of our requests.

Mr. MORAN. Thank you very much, President Gipp. And again, President King, thank you very much. So sorry to have had to interrupt your testimony. I feel very badly about that. You did not deserve that.

Next, Mr. Begay who is the General Manager of the Dine Power Authority in the Navajo Nation of Arizona. Mr. Begay.

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TUESDAY, MARCH 23, 2010.

**DINE POWER AUTHORITY, NAVAJO NATION, ARIZONA**

**WITNESS**

**STEVE BEGAY**

Mr. BEGAY. Thank you, Chairman Moran, Ranking Member Simpson, and members of the House Interior Appropriations—

Mr. MORAN. Thank you, President King, President Gipp. Thank you both.

Mr. BEGAY [continuing]. Subcommittee. This is Tim Goodlet, the Chairman of our board and also a member of the Navajo Nation Council. I am the general counsel for Dine Power Authority, the energy development enterprise of Navajo Nation, and we have a project, the largest Indian project that we know of in Indian country. It is a 1500 megawatt desert rock energy project. It has modern emissions systems. It will generate jobs over a 5-year construction period, 200 permanent jobs in the plant, 200 permanent jobs in the mining for a 40- to 60-year period. Navajo has 50 percent unemployment, but this project will bring in over \$50 million over the term of the project.

The agencies and the Federal Government have been slow in the DREP permitting process. We received the air permit from the EPA, and it has been withdrawn and now we are a little bit frustrated that things are moving forward slowly. It has been twice extended for public review and comment process, and still we do not have a permit today. It is notable that coal projects in Illinois and Colorado, which were at the same stage of permitting in 2004, are now under construction.

Why is the project located on Indian lands put at such an incredible regulatory disadvantage to other projects? Navajo nation is similarly frustrated by the continued delays in the federal environmental impact statement process.

We have been actively engaged in both the EPA and the Department of Interior in an effort to bring these regulatory processes to closure in a reasonable timeframe. DPA urges this committee to include in the fiscal year 2011 Interior Appropriations bill sufficient funds to ensure that the EPA and the Interior are adequately resourced to complete the DREP regulatory processes and report language tasking them to move these processes forward in a quick way.

[The statement of Steve Begay follows:]

**Steven C. Begay, General Manager  
Diné Power Authority, a Navajo Nation Enterprise**

**Testimony Before the  
House Interior Appropriations Subcommittee  
Public Witness Hearing on Native American Issues**

**Tuesday, March 23, 2010**

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**Requests:**

- **Committee's Support for Adequate Funding at Interior and EPA for Completion of Permitting and Other Matters Related to the Development of the Desert Rock Energy Project**
  - **\$1 Million for DPA Renewable Energy and Transmission Planning Studies – Department of the Interior, Bureau of Indian Affairs, Office of Indian Energy and Economic Development; or Department of Energy, Energy Efficiency and Renewable Energy or Electricity Delivery and Energy Reliability**
- 

Chairman Moran, Ranking Member Simpson and members of the House Interior Appropriations Subcommittee, thank you for this opportunity to provide testimony on the funding needs for the largest economic development project ever planned for Indian Country – the Desert Rock Energy Project - as well as for critical renewable energy and transmission studies for the Navajo Nation and the Southwest.

I am the general manager of the Diné Power Authority, also known as DPA. DPA is the Navajo Nation entity responsible for utility-scale power generation and transmission development on Navajo lands, the largest contiguous Native reservation in the United States. DPA's mission is a reflection of the Navajo Nation's sovereignty over its land and resources and commitment to achieving a sustainable, reservation-based economy for the nearly 200,000 members who live on the reservation.

**DPA's Largest Initiative is the Desert Rock Energy Project (DREP),** a \$3.4 billion mine-mouth, coal-fired power plant that would generate up to 1,500 MW located on the Navajo Nation in the Four Corners Area of New Mexico. Desert Rock would have the lowest regulated emissions of any pulverized coal-fired plant in the United States. This project, which would create thousands of jobs during its four-year construction phase, and then upon completion 200 jobs in the power plant and another 200 jobs in the adjacent Navajo Mine, is absolutely critical to the economic future of the Navajo Nation, one of the most impoverished areas of the United States, with 50% unemployment. The project would generate approximately \$50 million for the Navajo Nation in the first year of operation, an amount that would increase each year thereafter, resulting in a \$1.5 billion increase to the Navajo treasury in its first 30 years of operation.

**Federal Agencies have Moved at a Glacial Pace on the DREP Permitting Process.**

DREP received its air permit from the Environmental Protection Agency in July 2008. However, in Spring 2009, the EPA withdrew the air permit citing the need to consider a number of factors including the question of Desert Rock's carbon emissions. This was frustrating to the Navajo Nation as the EPA had deemed Desert Rock's air permit application complete in 2004, and pursuant to the Clean Air Act, the agency was required to issue a decision on the permit within 18 months. Despite significant additional studies to ensure compliance with Clean Air Act requirements, a lengthy and twice-extended public review and comment process, and many millions of dollars spent, as we sit here today DREP does not have its air permit. It is notable that coal projects in Illinois and Colorado, which were at the same stage of permitting in 2004, are now under construction. Why is this project, located on Indian lands, put at such an incredible regulatory disadvantage to other projects? The Navajo Nation is similarly frustrated by continued delays in the federal Environmental Impact Statement (EIS) process, which has dragged on for years.

The Navajo Nation is actively engaged with both the EPA and the Department of the Interior in an effort to bring these regulatory processes to closure in a reasonable time frame. DPA urges this Committee to include in the FY 2011 Interior appropriations bill sufficient funds to ensure that EPA and Interior are adequately resourced to complete the DREP regulatory processes and report language tasking them with moving these processes forward on an expedited basis.

**DPA is working on a broad portfolio of renewable energy projects, but critical studies need to be completed.** The Navajo Transmission Project (NTP) is a 469-mile high voltage transmission line connecting the generation-rich Four Corners region of the desert southwest with the growing load demand in states such as Arizona, Nevada and California. This project is the only high-voltage system of its size and length that is permitted. DPA is in the process of working with the key Federal agencies to update the 1997 Record of Decision approving the project. Once built, the Navajo Transmission Project would not only provide a transmission path for renewable energy, it would also eliminate a major gap in the Southwestern high-voltage transmission grid, a long-term goal of the Federal Energy Regulatory Commission, regional utilities and consumers.

DPA requests \$1 million to conduct important planning and analysis work on a wide-range of renewable energy and transmission projects now before DPA including: the Grey Mountain and Black Mesa wind energy study; completion of the eastern terminus study of the Navajo Transmission Project (including its inter-relationship with the East NM-cross Arizona to Marketplace, Nevada HV DC transmission project); evaluation of the Big Bo large-scale solar (2000MW to 8000MW) project proposal, the Paragon Ranch solar (200MW) project proposal, and the New lands solar (20MW) project development, and others similar proposals that have been presented to the Navajo Nation; analysis of Navajo Transmission Project Segment 3 for multiple use, as well as evaluation for AC only, to AC-DC conversion, or keep AC and add DC (two or more lines) alternatives; analysis of renewal or extension of the AZ ACC CEC for off-reservation NTP Segment

3; resolution of the Hualapai and BLM issues in Segment 3; consultation with other Department of Interior (e.g., US Fish and Wildlife) and other federal agencies, (e.g., US Forest Service), and discussions with California and LADWP, or similar groups for off-take of renewable power; evaluation of private land acquisition issues in the western part of the NTP Segment 3; and a review of the changing load demand and load supply projections in the southwest to match the proposed renewable energy load sources to these revised, projected electricity demands.

**It is important to note that the Energy Policy Act of 2005 specifically authorizes funding to the Dine Power Authority:**

**Section 505. Four Corners Transmission Line Project and Electrification**

(a) Transmission Line Project.- The Dine Power Authority, an enterprise of the Navajo Nation, shall be eligible to receive grants and other assistance under section 217 of the Department of Energy Organization Act, as added by section 502, and section 2602 of the Energy Policy Act of 1992, as amended by this Act, for activities associated with the development of a transmission line from the Four Corners Area to southern Nevada, including related power generation opportunities.

**Conclusion.** After a total investment of nearly \$60 million, DPA and its private partners are close to commencing construction on nearly \$4 billion worth of energy development projects. However, timely Federal support and involvement remains vitally important to this effort. We urge the Committee to support the requests outlined above. Thank you, again, for this opportunity to testify.



Mr. MORAN. I think we should put report language in. Maybe if the staff feels that a letter asking that they accelerate the process of it, it is at a pace comparable to non-Indian lands, that might be a constructive thing to do. We appreciate you bringing it to our attention. Thank you very much.

Mr. BEGAY. Thank you very much.

Mr. MORAN. Thank you. We greatly appreciate that. Faye BlueEyes. Thank you very much, Mr. Begay.

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TUESDAY, MARCH 23, 2010.

**DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL  
BOARD, NEW MEXICO**

**WITNESS**

**FAYE BLUEEYES**

Ms. BLUEEYES. Good afternoon. I am Faye BlueEyes. I am the program director at Dzilth-Na-O-Dith-Hle Community School. Our school is part of the Bureau of Indian Education School System and is operated by an all-Navajo school board with a grant from BIE. The main thing I would like to point out is that—schools get the same tribal grant support cost as BIA non-school contractor. We are only going to get 66 percent while the non-school contractors will get 94 percent. But yet we both do the same thing, so we feel that is very unfair and it is not good policy and the disparity is just not right.

And then I urge you to please read my written testimony.  
[The statement of Faye BlueEyes follows:]



### Dzilh-Na-O-Dith-Hle Community Grant School

35 Road 7585, Box 5003  
Bloomfield, New Mexico 87413  
Telephone: (505) 632-1697 Fax: (505) 632-8563



"FOR EACH CHILD — SUCCESS"

Testimony of Faye BlueEyes, Program Director  
DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL (DCGS)  
Navajo Nation, Bloomfield, N.M.  
regarding  
Bureau of Indian Education Fiscal Year 2011 Budget  
House Interior, Environment and Related Agencies Subcommittee  
March 23, 2010

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Good afternoon. I am Faye BlueEyes, Program Director at Dzilh-Na-O-Dith-Hle Community Grant School ("DCGS") on the Navajo Reservation in Bloomfield, New Mexico. My testimony will focus on four areas of FY 2011 funding request for the Bureau of Indian Education (BIE):

- **Tribal Grant Support Costs** – the proposed increase of \$3 million would still leave a shortfall of over \$23 million
- **Student Transportation** – the proposed funding of \$52.8 million would be a decrease from the FY 2010 level, despite spiraling transportation-related costs
- **Facilities Maintenance** -- the budget request of \$50.7 million would result in level funding for the 5th year in a row, despite increased maintenance costs due to the age of our facilities and great need for preventive maintenance measures
- **Facilities Operations** – although the FY10 level supplied less than 50% of need, the FY11 budget request seeks to further decrease this funding.

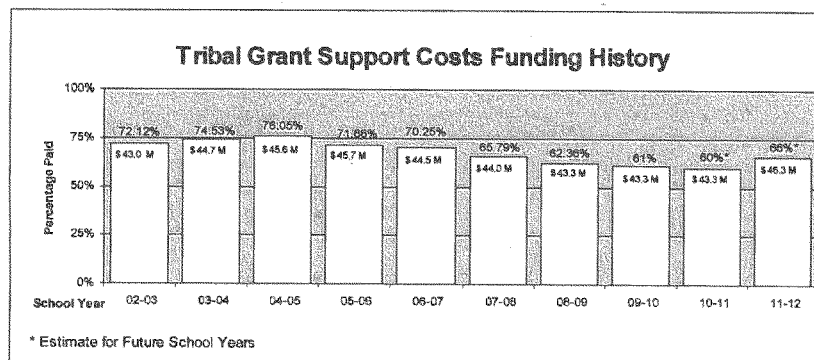
Our school operates a K-8 educational program and a dormitory for students in grades 1-12. The residential students in grades 9-12 attend the local public school. Currently, 200 students are enrolled in our academic program, and 51 students are housed in the campus dormitories. Our all-Navajo Board operates the DCGS through a Grant issued by the Bureau of Indian Education (BIE) under the Tribally Controlled Schools Act. Our mission at DCGS is to make a difference in the educational progress of our students and we believe that all our students are capable of achieving academic success.

#### TRIBAL GRANT SUPPORT COSTS

Even though BIE seeks a \$3 million increase for Tribal Grant Support Costs, the agency admits its \$46.3 million request would provide only 66% of administrative costs needs of tribally-operated schools in School Year (SY) 2011-12. Of course, this optimistic prediction is dependent on no other schools converting to tribally-operated status. If any do, the pay rate would drop since the BIE did not seek separate funds for the transitional costs associated with such conversions. Instead BIE merely asks for bill language to allow it to supply these new TCGS obligations from the \$46.3 million request – which would leave that much less to distribute among the tribally-operated schools with on-going contracts/grants.

The projected 66% pay rate is still far below what the Administration seeks in order to address long-standing indirect costs shortfalls for BIA and IHS *non-school* contractors. For the BIA, the Administration requests an increase of **\$19.5 million** in order to pay contract support costs (CSC) at **94%**, and an additional \$2 million for the Indian Self-Determination Fund to pay CSC of new contractors. For IHS contract support costs, the Administration seeks a **\$40 million** increase. These amounts are even more astounding when you take into consideration that in FY10 the BIA received an \$18.7 million contract support increase, and the IHS received an additional \$116.1 million, while *tribally-operated schools received NO increase since SY04-05*.

As the following chart shows, the percentage of TGSC need paid has steadily declined since SY04-05 to the current SY09-10 level of 61%, and the amount appropriated has never been sufficient to pay more than 76.05% of need.



Insufficient Tribal Grant Support Costs means that we constantly have to absorb more and more administrative expenses and cut back on prudent management activities. We have had to reduce our management staff to the point that our ability to maintain prudent internal controls and checks and balances is compromised.

Full funding of the BIE's Tribal Grant Support Costs obligation would require \$70.2 million – \$23.8 million above the budget request. If budgetary constraints preclude full funding this year, we ask the Committee to at least fund TGSC at the same 94% level at which BIA proposes to pay non-school tribal contractors.

#### STUDENT TRANSPORTATION

The requested amount of \$52.8 million is expected to provide a SY11-12 payment rate of \$3.27 per mile. This would be an increase of only 15¢/mile from the SY09-10 rate and no increase over the estimated SY10-11 rate (funded by the FY10 appropriations act). The result is less than the national school transportation costs average despite ever-increasing fuel and bus repair costs. The BIE estimates that 15% of the total BIE transportation miles are on dirt or unimproved road

systems (unlike the roads utilized by the majority of public school systems); plus, our school buses must cover greater distances than bus systems in metropolitan areas. These conditions contribute to greater fuel and maintenance costs for the BIE-funded schools.

Our experience is that the small increases provided for student transportation in previous appropriations have not kept pace with our rising expenses. For example, in SY08-09, our vehicle leasing bill from GSA rose to \$107,000. Plus, we were forced to increase the pay scale for CDL qualified bus drivers in order to successfully compete for these personnel.

Because of these funding constraints, we had to reduce our bus routes from five to four. This means earlier pick-up times and much longer bus rides for our students. In addition, when severe weather makes our dirt roads impassable for buses, we must have an SUV follow each of the four buses to transport the children from their homes to the waiting bus on the main road. This means we travel double miles on those days, but do not receive any funding for the second vehicle.

These measures undoubtedly adversely impact student learning since the children are weary from these longer rides even in the best of weather, much less in winter or during storms. We are particularly distressed about having to institute these measures, as our students have met AYP in all areas except math and we had high hopes of overcoming that hurdle.

We urge you not to decrease Student Transportation funds as proposed by the Administration. Although \$10,000 may seem a relatively small amount, it represents at least 3,058 student transportation miles lost – funds which could save bus routes and bus driver positions. Based on the national school transportation costs, full funding for the BIE Student Transportation would require an estimated \$73 million.

#### FACILITIES MAINTENANCE

We do not object to the BIE's transfer of the Facilities Maintenance line item from the Construction account to the BIE School Operations account to "increase transparency". We do object, however, to the agency's failure to provide any increase above the \$50.7 million supplied last year. Common sense tells us that the cost of maintaining school buildings is increasing. When we cannot afford to address routine and unscheduled maintenance of buildings, equipment, utility systems and grounds we put the safety of our students and staff at risk.

According to the BIA's "Indian Affairs Funded Schools in Poor Condition as Indicated by Facility Condition Index" dated December 2009, there are 64 projects requiring a total of \$1.3 BILLION to "replace, repair, construct and/or improve existing facilities". The DCGS is ranked at 21 of the 64 projects. This budget request tells us not to expect that relief will be coming any time soon. We ask you to take note of the every day reality our students and staff face.

In early November 2009, we discovered that all of our gas meters were leaking and the gas had to be turned off. Even more frightening was the discovery of a major leak in the underground gas line which could have caused an explosion at the school. We had to close the school for two weeks so the gas company could do the extensive excavation work needed to make repairs.

Our DCGS buildings are more than 40 years old and showing their age. The meager facilities maintenance funding has been insufficient to even enable us to "keep up appearances," much less address the serious deficiencies that come with aging electrical, heating, cooling and plumbing systems. Our inadequate electrical system can't support the educational technology necessary for today's students. Our unreliable heating and cooling systems make it impossible to maintain a comfortable classroom climate; some parts of the school are very hot while other classrooms are very cold.

An extremely worrisome problem is leaking sewer lines which run under the school and the dormitory. The smells alone make students and staff ill, and the growing mold compounds the problem. We don't have the funds to remediate this situation. Our students and staff should not have to put up with these conditions that threaten their health and safety.

#### **FACILITIES OPERATIONS**

The Administration proposes a \$147,000 decrease for Facilities Operations in order to achieve Department-wide savings. Since we are already receiving only about 46% of need, a request to further decrease this account is very discouraging. Nearly all of our Facilities Operations funds must be used to pay utility costs which are constantly increasing. In the last school year, we spent nearly \$200,000 for electricity and natural gas, and we expect the utility companies to increase their rates further.

Since our costs are increasing, not decreasing, failure to provide significantly more funding for facilities operations means our measure of un-met need will become greater than it already is. We ask Congress to provide a significant increase to address the \$50.5 million shortfall in Facilities Operations funding.

#### **CONCLUSION**

It is our hope that Congress will recognize the tremendous need that continues to exist in our BIE-funded schools and takes the steps to provide the resources that the Administration has not sought. Thank you for your continuing support to our Indian children.

If you need further information, you may contact us by phone at 505.632.1697 or you can reach Ms. Blue Eyes via email at [heywoman87417@yahoo.com](mailto:heywoman87417@yahoo.com).

Mr. MORAN. Thank you, and thanks for being so brief. Maybe working with Mr. Cole and other members of the Committee we can rectify some of the—it does not seem that it should be so disparate. That disparate treatment is something we should be able to do without having to devote a lot of resources, but maybe we can focus a little attention to it.

Mr. Crouch, James Crouch, Executive Director of the California Rural Indian Health Board.

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TUESDAY, MARCH 23, 2010.

**CALIFORNIA RURAL INDIAN HEALTH BOARD**

**WITNESS**

**JAMES CROUCH**

Mr. CROUCH. Thank you for having me here. I will be extremely brief.

CRIHB, in association with Tribally Operated Health Programs in California supports the President's request for the appropriations for fiscal year 2011. We would like to inform you about the fact that there are only two areas in the IHS that have no IHS hospitals so that all of our inpatient and specialty care is provided through the contract healthcare system. The President's request does include a significant, although never sufficient, amount of funds, new funds, program improvement funds, for contract healthcare.

You may hear, and I would draw your attention to the last page of my testimony, that the current formula or the new change formula overly advantages those of us that have no access to IHS funded inpatient and specialty care. The graph shows actually over 10 years distributing the same \$46 million every year going forward, after about a billion dollars, basically, the programs that have no hospitals, have not overlapped or exceeded in fact the relative distribution among the 12 areas stays the same. The curve has been bent up, and we appreciate the support.

[The statement of James Crouch follows:]



## CALIFORNIA RURAL INDIAN HEALTH BOARD, INC.

March 23, 2010

U.S. House of Representatives Committee on Appropriations,  
Subcommittee on Interior, Environment, and Related Agencies

My name is James Allen Crouch. I am Executive Director of the California Rural Indian Health Board, Inc. I am here today to address Indian Health Service appropriations issues for FY 2011.

The California Rural Indian Health Board, Inc. (CRIHB) is a Tribal Organization operating under the authorities of the Indian Self Determination Act, providing health care services and technical assistance to 29 tribes and their Tribally Operated Health Programs. We are a founding member of the National Indian Health Board (NIHB) and proud of the fact that CRIHB Chairman, Reno Keoni Franklin (Kashia Pomo), currently serves as Chairman of the NIHB. In addition to the IHS funded services we provide to 29 tribes in California, CRIHB operates two programs funded by the CDC and two programs funded by SAMHSA that benefit individual Indian people, Tribes and Tribal Health Programs in California, as well as Nevada, Utah, Washington, Oregon, and Idaho. We are also funded by the IHS to serve as the California Tribal Epidemiology Center and the Dental Support Center for the California Area. Finally, we operate a number of smaller statewide projects funded by the State of California and private foundations in California. These diverse responsibilities give us a unique "front line" perspective on the problems that confront Tribally Operated Health Programs in California and beyond.

CRIHB was founded in 1969 by Tribes in California to bring back IHS funded services to California, after twenty years of being neglected as a result of federal termination policy. In 1972, this Committee overturned that policy and funded the first IHS programs in California. This past October, CRIHB turned forty years old -- but our work is not yet finished. Today, the IHS program in California suffers from chronic under-funding, a lack of infrastructure, and is burdened by debt; the initial promise remains unfulfilled. Today, all IHS direct care services in California are provided by a network of 30 Tribally Operated Health Programs (TOHP) that provide services across thirty-seven mostly rural counties with an average operating unit size of 1,875 active users. These TOHP seek to meet the needs of 107 federally recognized tribes and approximately 78,000 American Indian and Alaska Native clients. Uniquely, 25% of those served in California are members of tribes located outside of the state and another 25% are Californian Indians whose tribes have yet to achieve federal recognition. The California Area is one of only two IHS Areas that have no IHS Hospitals to provide inpatient and specialty services. Of the four so-called "CHS Dependent Areas", California has the second lowest Level of Need Funded, the second lowest CHS allocation per active user, and the absolutely lowest CHEF utilization rate of the entire IHS system. These are not new facts -- rather an ongoing crisis reflected in a decade of IHS funding history.

Many health problems in California are similar to those of the National IHS service population. CRIHB research has documented a hospitalization rate of 290/100,000 which is comparable to that experienced in the Aberdeen Area of North and South Dakota. California AIAN are hospitalized 45% more often than Whites, indicating a lack of access to primary care services. Heart Disease, Cancer, Unintentional Injuries, Diabetes, and Chronic Liver Disease are the

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leading causes of death. Death rates due to diabetes are 350% higher for California AIAN than Whites; deaths due to alcohol are 280% higher. Of our SAMHSA Access to Recovery clients, 46% report Methamphetamine use - the highest reported rate in that national data set. These problems can and should be addressed. A recent CRIHB research project, based on five years of IHS and State data, documented that higher IHS funding of Tribally-Operated Health Programs in California was associated with lower hospitalizations for ambulatory care sensitive situations (HASC) for the AIAN who use them. Specifically, for Tribally-Operated Health Programs in California with less than 60% of health care costs funded, the HASC rate dropped 12% for every increase of 10% in funding of ambulatory care preventable hospitalizations.

It is our fervent hope that National Health Reform will solve many of these IHS funding issues by greatly expanding access to Medicaid coverage, closing the coverage gap in Part D Medicare, and establishing a new form of subsidized coverage for working Americans through regulated exchanges. Should this be the case, we urge the Committee to think deeply about the numerous implications for the Indian Health Service of this new and evolving operating environment. The IHS is a delivery system, not a form of insurance coverage and should be funded in ways that foster equal access to services and meet the court established criteria being rational, reasonable and defensible.

National Health Reform legislation also carries the reauthorization of the Indian Health Care Improvement Act, and with that the reauthorization of the California CHS Demonstration Fund. We are specifically requesting \$2,000,000 in Contract Health Service (CHS) funds to initiate the intermediate risk pool to cover costs below the threshold of the Catastrophic Health Emergency Fund (CHEF) as authorized in Section 211 of the IHCA and subsequent reauthorizations of that bill. In FY 2010, the IHS implemented a CHS distribution formula that attempts to address the lack of access to IHS funded hospital and specialty care. Although we are supportive of the policy that prioritizes what is commonly called "CHS dependence" we believe that the formula is deficient in not taking into account existing levels of funding. It is further deficient in that over time it will result in only marginal change in the relative funding between CHS Dependent and Non-CHS Dependent Areas. We support the president's request for \$46 million in program improvement funds for CHS and urge that of those funds \$2million be identified for the California CHS Demonstration Project.

Furthermore, we support the President's request for \$44 million in program improvement funds for the Indian Health Care Improvement Fund. This fund is distributed under a methodology that by law considers existing resources from IHS and non IHS sources, as well as the cost of providing a uniformly defined set of services across a diverse geography and all modes of delivery. The most effective method of addressing the lack of equal access to care across the whole IHS program would be a multi-year commitment to providing a truly significant portion of all new IHS resources to be distributed through the Indian Health Care Improvement Fund. This historically under-utilized process adopts the Federal Employees Health Benefit Package (FEHP) as a benchmark to compare against the available IHS and CMS funds at the operating unit level. This focus on available funding allows for comparison across a diverse delivery system that spans multiple health service markets. The benchmark cost is actuarially adjusted for age sex and social economic factors to reflect the IHS client population. The difference between the adjusted FEHP costs and the available IHS and CMS resources is then calculated and is referred



to as the Level of Need Funded, and all 269 Operating Units are ranked on this scale. With limited funds, Congress has tried to target their commitment to the least well funded: Operating Units with less than 40% of their need funded. However, to date, Congressional allocations to the IHCIF have failed to match medical cost inflation and have yet to lift the 47 poorest operating units to the 40% level. To bring this group to 40% would take an additional \$9 million in new funds. To bring all units up to 45% would take only \$45 million, to achieve 50% funding only \$122 million, and to achieve 60% for all operating units would take only \$388 million in new appropriations to the IHCIF. These threshold numbers may be reduced by increases in the other IHS health services line items, but only the IHCIF targets the vast inequity that exists within the system. Minimally, the achievement of a modest threshold of 60% Level of Need Funding should be set by this Committee and could be done incrementally over a three year period.

We support the President's request to provide \$40 million in program improvement funds for the Contract Support Cost line item. These Funds are essential for maintaining program integrity to assure appropriate governance, financial management, and core operating costs. Tribally Operated Health Programs are the only class of governmental contractors who are not fully funded for these costs. National shortfalls prior to the allocation of the FY 2009 OBRA were documented by the IHS as \$121,900,000. Of this amount, Tribally Operated Health Programs in California have a documented shortfall of \$12,621,782. CRIHB and our subcontracting Tribal Health Programs are owed \$2,993,949. Congress should address this shortfall and end this operational burden that falls on only a portion of the IHS program: those that choose to assume operational responsibility for their portion of the IHS program under the Indian Self Determination Act.

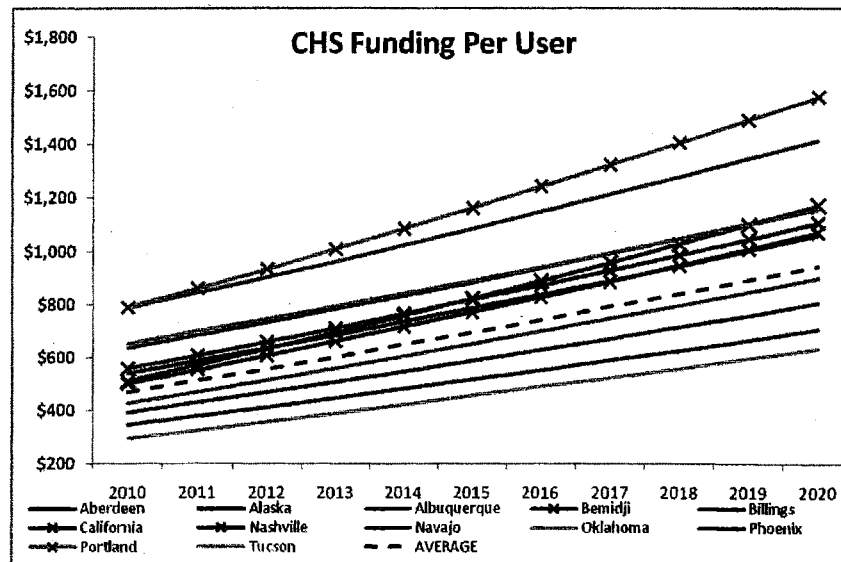
The IHS Facilities Construction has yet to build a single health facility in California. In truth, most of our facility access needs are better met through a robust Contract Health Services program. We have 172,000 square feet of IHS supportable space, built with grants, loans, and third party collections. This strategy is born from desperation and has significant impacts, as both loan repayment and sequestering third party funds result in an ongoing reduction in the level of health care services that can be provided to our clients. To address this distortion, Congress should increase their investment in the Joint Venture and Small Ambulatory Grant program. This is especially true if this Congress authorizes the Tribal version of the Indian Health Care Improvement Act, which would allow for the use of SAP funds to retire loan amounts used to create IHS supportable space. Clearly, there are interactions between the IHS services budget and the facilities budget. Potentially, there is a positive exchange between facility construction and CHS funding in the measurement of program equity; this needs to be more fully analyzed and developed. Similarly, there is a need to think more clearly about the annual impact on overall IHS program equity when significant amounts of scarce program funding must be allocated to staff the facilities of the luck few who acquire facility construction funds. This is especially true as the system prepares to staff up \$227 million in ARRA construction projects.

The Indian Health Service has reported their budget justification document that their transition to the new RPMS Electronic Health Record system is substantially completed. They are asking for a new allocation of \$4 million for Health Information funding as they move forward to achieve

“meaningful use” of their legacy system. Last year this system received \$81 million in ARRA funding. Of those funds \$ 3 million was set aside to assist Tribally Operated Health Projects to build interface software to improve interoperability with the IHS Data Center. Those funds have yet to be distributed. CRIHB fully supports the move towards increased use of Health Information Technology by the IHS; the request for \$4 million in program improvement funds, and the establishment of a new line item for these costs. However, this years’ committee report should direct the IHS to begin sharing there resources on the same basis with non RPMS using Tribal Health Programs.

The graph below tracks the impacts of allocating CHS funds under the current formula over a ten year period, assuming full funding for inflation and population growth and sufficient funds to distribute 100,000,000 based on a 75% for active user count and 25% for service units populations that have no access to IHS funded hospital services. Under this formula California received almost \$9 million in new funds for FY2010 and some would lead you to believe that this formula gives too much money to the CHS Dependent Areas. I would tell you that over a decade of generous allocation like that proposed for FY 2011 that the rate of change is modestly incremental because disparity in the existing base funding is compounded with each succeeding annual distribution as documented in the graph below.

**CHS Funds per Active User Projected at 4.5% +1.5% plus \$46 million**



Mr. MORAN. Okay. Thank you very much. I see what you are telling us in this chart. Thank you very much, Mr. Crouch. Well done.

Next we will hear from Harold Dustybull who is Vice President of the National Johnson-O'Malley Association headquartered in Oklahoma.

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TUESDAY, MARCH 23, 2010.

**NATIONAL JOHNSON-O'MALLEY ASSOCIATION,  
OKLAHOMA**

**WITNESS**

**HAROLD DUSTYBULL**

Mr. DUSTYBULL. Congressman Moran, Congressman Cole, Congressman Olver, I just have a couple of things, and I will make it real brief. We want our funds restored to \$24 million which was a fiscal year 2006 enacted level. That is the main thing that we have been pushing for for years.

We also want a position in the Department of Interior to oversee the JOM program. Those are two things that we have had and were taken away from us, and we want them back. And we ask for your folks' help in putting this back in place for us.

And the rest of it is in my testimony, and I thank you very much.  
[The statement of Harold Dustybull follows:]



**NATIONAL JOHNSON-O'MALLEY ASSOCIATION**  
**PO Box 126**  
**Okmulgee, Oklahoma 74447**  
**(918) 732-7839**

*"We are the elected voice and liaison to Congress for JOM Programs Nationwide"*

TESTIMONY OF THE  
 NATIONAL JOHNSON O'MALLEY ASSOCIATION  
 BEFORE SUBCOMMITTEE ON INTERIOR  
 AND RELATED AGENCIES  
 March 23, 2010

Chairman Moran, Ranking Member Simpson, and Members of the Subcommittee, my name is Harold L. Dusty Bull and I am the program Director for the Blackfeet Johnson O'Malley program (JOM) of the Blackfeet Nation of Montana. I am here today representing the National Johnson O'Malley Association, which I serve as Vice President.

Mr. Chairman, congratulations on your recent appointment as Chairman of this subcommittee. We look forward to working with you more closely. I understand that you are a champion of the indigenous people of Virginia and I thank you for that.

We educators in Indian Country are always happy to be in your company. The previous administration tried to eliminate the JOM program. But for our good friends in Congress supporting us through the appropriations process, the JOM program would have waned out of existence.

I'm here to tell you about JOM and give you an update on the fiscal year 2011 appropriations request.

**What is JOM?**

The Johnson O' Malley Act was enacted in 1934 to allow the Department of the Interior to provide assistance to Indians in the areas of education, medical attention, agricultural assistance, social welfare, and relief of distress because of findings that Indians needed support to transition from Indian-only settings to general population settings such as the environments found in public schools and in urban areas. Seventy-six years later, JOM continues to provide critical support to Indian kids – most of which live in impoverished areas.

JOM grants provide Indian tribes, school districts, tribal organizations, and parent committees supplemental funds designed to address the unique and specialized educational needs of Indian students enrolled in public schools or non-sectarian schools. The purpose of JOM grants is to provide supplementary financial assistance for Indian students ages 3 to grade 12. JOM have historically provided basic resources so that

Indian students can participate in school like their non-Indian peers, which, in turn, gives them a chance to achieve academically.

Without JOM program dollars, Indian students at all academic standings, both remedial as well as gifted and talented, would not be able to afford things such as college counseling, athletic equipment, eye glasses, after school tutoring, or culturally specific education, resume counseling, summer school, scholastic testing fees, school supplies, transition programs, musical instruments, Native youth leadership programs, financial aid counseling, caps and gowns, art and writing competitions. Other programs administered by the federal government, such as funding through the Department of Education, do not allow funding for these types of activities.

Our program at Blackfeet spends a good portion of our JOM dollars on after school programs and parenting classes designed to get parents more involved in their kids' education.

#### **Our Appropriations Request**

Along with our partner, the National Indian Education Association, we request a total of \$24 million for JOM, which was the FY06 enacted level. The FY10 enacted amount (and the enacted amounts from FY07 through FY09) was \$21.4 million, which was only partial restoration of JOM funding. President Obama's FY11 budget requests \$21.273 million, a decrease of \$256,000 from the FY10 enacted level.

Even with the funding requested, \$24 million will not keep pace with the extraordinary needs in Indian Country. In 1995, a freeze was imposed on JOM funding through DOI, limiting funds to a tribe based upon its population count in 1995. The freeze prohibits additional tribes from receiving JOM funding and does not recognize increased costs due to inflation and accounting for population growth.

We urge this committee to work with us to lift the funding freeze to ensure that tribes are receiving funding for their student populations at a level that will provide access to a high quality education.

Finally, we hope that this committee will urge the DOI to appoint one staff person who can assist JOM programs moving forward. Much can be gained by having a person at the Department specifically charged with fulfilling the intent of the regulations. Additionally, we simply need someone in Washington who is dedicated to understanding and advocating internally for our program.

I am very grateful for this opportunity to testify and stand ready to answer any questions you may have.

Mr. MORAN. The testimony is very good testimony, and I am just reading it through here. I know Mr. Cole has a particular interest in Johnson-O'Malley Act, and I think as he explains it as you do, he gets some support there as well. Did you have anything you wanted to say, Tom?

Mr. COLE. Thank you for those comments, Mr. Chairman. I look forward to working with you on it, and as you know, it is a great program. We need to restore it.

Mr. DUSTYBULL. Thank you.

Mr. MORAN. Thank you. Very well done. Thank you very much, Mr. Dustybull.

Joseph Brings Plenty, Chairman of the Cheyenne River Sioux Tribe in South Dakota.

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TUESDAY, MARCH 23, 2010.

**CHEYENNE RIVER SIOUX TRIBE, SOUTH DAKOTA**

**WITNESS**

**JOSEPH BRINGS PLENTY**

Mr. BRINGS PLENTY. My name is Joseph Brings Plenty. I am tribal Chairman, Cheyenne River Sioux Tribe.

I am not going to be able to do any justice as far as what I have written down here. I have come a long ways, and I know you are pressed for time. So what we have here are our priorities, and I have traveled in representation from my nation to come here to express our concerns. I know that each and every other tribe out there has great concerns, and each one of them are unique in their ways, but everything is down in the testimony here. I hope you read it and take our priorities into consideration. Thank you.

[The statement of Joseph Brings Plenty follows:]

**CHAIRMAN**  
Joseph Brings Plenty, Sr.

**SECRETARY**  
EvAnn White Feather

**TREASURER**  
Benita Clark

**VICE-CHAIRWOMAN**  
Sharon Lee



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March 23, 2010

**Joseph Brings Plenty, Sr.**  
**Chairman**

**Cheyenne River Sioux Tribe**

**Testimony before the U.S. House of Representatives, Committee on Appropriations,  
Subcommittee on Interior, Environment and Related Agencies for the FY 2011 Budget**

**TRIBAL COUNCIL MEMBERS**

**DISTRICT 1**  
Ardya Cook  
Bryce in the Woods

**DISTRICT 2**  
Ted Knife, Jr.

**DISTRICT 3**  
Maynard Dupris  
Edward Widow

**DISTRICT 4**  
Sharon Lee  
Frank Thompson  
Kevin Keckler  
Merrie Miller White Bull

**DISTRICT 5**  
Ryman Le Beau  
Raymond Usee Knife  
Derek Bartlett  
Robert Walters

**DISTRICT 6**  
Dobie LeCompte  
Michael Rousseau

Good afternoon Chairman James Moran (D-VA), ranking member Michael Simpson (R-ID), and honorable members of the U.S. House of Representatives, Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies. Allow me to recognize important changes within the subcommittee by offering my congratulations to Chairman Moran on being selected as the new subcommittee chairman, and to offer my best wishes to former Chairman Norm Dicks (D-WA). The tradition of allowing Public Witness Testimony on Native American Issues is an important Congressional venue for tribes and tribal organization nationwide. As the Chairman of the Cheyenne River Sioux Tribe, I serve a *Lakota* (Sioux) or Native American constituency from the fourth largest land based tribe in the nation. Also, I serve as the Chairman of the Council of Large Land Based Tribes, which was established to counter the inequities on agendas created by national organizations from smaller, wealthier tribes. And, I serve the larger *Lakota-Nakota-Dakota* (Sioux) community in North Dakota, South Dakota and Nebraska as the Vice-Chairman of the United Sioux Tribes Development Corporation, which was organized by the Sioux chairmen, presidents and tribal chairs in 1952. I respectfully offer this testimony to the subcommittee for Fiscal Year (FY) 2011. The Cheyenne River Sioux Tribe's (CRST) Fiscal Year (FY) 2011 funding request summary is as follows:

The blue represents the thunder clouds above the world where live the thunder birds who control the four winds. The rainbow is for the Cheyenne River Sioux people who are keepers of the Most Sacred Calf Pipe, a gift from the White Buffalo Calf Maiden. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all Lakota. The two pipes fused together are for unity. One pipe is for the Lakota, the other for all the other Indian Nations. The yellow hoops represent the Sacred Hoop, which shall not be broken. The Sacred Calf Pipe Bundle in red represents Wakan Tanka - The Great Mystery. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major races. The blue is for heaven and the green for Mother Earth.

**Agency, Programs and Funding Request**

1. To appropriate \$66.5 million to the Cheyenne River Sioux Reservation/Mni Waste' Water Project (serving Dewey, Ziebach, Mead and Perkin counties in South Dakota), **under Public Law 110-114, Section 5129 and 5158 (253) of the *Water Resources Development Act of 2007***; and
2. To authorize and appropriate \$14.9 million to the **Indian Health Service's Cheyenne River Sioux Tribal New Facilities Staffing**; and
3. To increase \$5.5 million to the Bureau of Indian Affairs, Cheyenne River Sioux Tribe's Tribal Priority Allocation request for the **Law Enforcement Department**; and
4. To authorize and appropriate **New School Construction** dollars, 86 Million for Cheyenne Eagle Butte School, 16 Million for Takini High School and 10 million for our Headstart programs totaling \$112 million, **Tribal Education Department**
5. To authorize and appropriate \$250,000 To the Bureau of Indian Affairs for Cheyenne River Sioux Tribes **Wolakota Piece Making Circle**.
6. To authorize and appropriate \$713,000 to the Bureau of Indian Affairs' Cheyenne River Sioux Tribal **Seventh Generation Youth Council**; and
7. To authorize and appropriate \$63.4 million to the **Indian Reservation Roads Program** for the Cheyenne River Sioux Tribe; and
8. To authorize and appropriate \$80.5 Million to our **Cheyenne River Housing Department** through NHASDA.
9. To authorize and appropriate \$948,136 to HIP, **Home Improvement Program** for Cheyenne River Sioux Tribe.
10. To authorize and appropriate \$1.5 million to the Bureau of Indian Affairs' Cheyenne River Sioux Tribal **Prairie Management Program**; and

**Implementation of the Sioux Act 1888**

I am honored to be invited and testify before the U.S. House of Representatives, Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies for the FY 2011 Budget. I noted the U.S. Library of Congress keeps an old photograph dated October 15, 1888. The photograph shows where U.S. Commissioners and delegations of Sioux chiefs had visited Washington, D.C., and paused for a picture taken by C.M. Bell on the east façade of the old U.S. Capitol Building. The names of Sitting Bull, Gall, John Grass, He-Dog, Two Strike, American Horse, and Drifting Goose are listed. I am humbled in many ways. I am humbled by the physical courage and fearlessness these men showed at the Battle of Powder River, Honsinger Bluff, Slim Buttes, Little Big Horn. I am humbled by the wisdom our leaders displayed by refusing to sell the Black Hills. I am humbled by their statesmanship. Let me offer a few moments to portray



*Lakota* (Sioux) statesmanship to the subcommittee. The best compliment you may offer a traditional *Lakota* leader is not that he is “chief” or “warrior” or “holy man,” but that he is *iké* *wičaša* or a common man. A common man is invested with honor, courage, generosity, compassion, tolerance, humility and wisdom known as the seven values of the Lakota People. Lastly, I am humbled by our leaders or *iké wičaša* who now stand with me and before this committee in spirit. I respectfully request that the promises made to my ancestors be considered here today.

#### **Water Resources Development Act of 2007**

The Cheyenne River Sioux Tribe (CRST) was struck by a debilitating ice storm and blizzard on January 20, 2010, which broke over 3,000 utility poles, rendered 10,000 tribal members and 2,000.00 non-tribal members without heat, water and electricity for over two weeks.<sup>1</sup> The Federal Emergency Management Agency (FEMA) through the tribal liaisons’ was able to offer help until an inventory was completed based upon tribal need; meanwhile, I made an unlikely contact. Keith Olbermann of Countdown MSNBC assisted us with several Quick Comments on his program. I was interviewed while watching my breath become visible with every syllable uttered and in my own home. I thank Tunkasila/God nobody died in that 40 degree below zero weather.<sup>2</sup> We needed water in that storm. We need water now. Our waterline and water treatment plant are at capacity. A moratorium was placed upon new tribal housing development since FY 2004. The Water Resources Development Act of 2007 overrode a Bush veto and authorized \$66.5 million for the tribe under Public Law 110-114, Section 5129 and 5158 (253). I have testified on this same issue before this subcommittee since FY 2007. I respectfully request the subcommittee appropriate \$66.5 million under existing authorities in the Act of 2007, including an added \$23.9 million for index costs that total \$90.4 million in all.

#### **Cheyenne River Sioux Tribal Prairie Management Program**

The Cheyenne River Prairie Management Program is responsible for restoring and preserving the mixed grass prairie ecosystem on the Reservation. Its goals are to improve land productivity by implementing range management practices that focus on the reduction of erosion, improvement

<sup>1</sup> The Huffington Post. 2010. South Dakota Sioux Tribe Seeks Emergency Assistance After Ice Storm. January 27. [http://www.huffingtonpost.com/2010/01/27/south-dakota-sioux-tribe\\_n\\_438827.html](http://www.huffingtonpost.com/2010/01/27/south-dakota-sioux-tribe_n_438827.html) (accessed on March 22, 2010).

<sup>2</sup> Juarez, Leo. 2010. NBC Field Notes. Help for Storm Battered Sioux Tribe. February 24. <http://fieldnotes.msnbc.msn.com/archive/2010/02/24/2211602.aspx> (accessed on March 22, 2010).

of wildlife habitat, control of noxious weeds and the black-tailed prairie dog, as well as bison enhancement and endangered species recovery. This Program has been funded annually by a special congressional appropriation since FY 1995. The Prairie Management Program was funded at \$1.5 million in FY 2003; however, funds were eliminated in FY07 due to Bush era reductions. U.S. Senator Tim Johnson (D-SD) was able to secure a \$990,000 program earmark for the tribe in FY 2010; however, the program is unfunded in the President's FY 2011 Budget. Accordingly, I urge the subcommittee to restore the Prairie Management Program to FY 2003 levels for \$1.5 million, which will assist the tribe to manage over 2.8 million acres.

#### **CRST Funding Request Summary**

Under the category of "Agency, Programs and Funding Requests," I respectfully requested \$14.9 million be authorized and appropriated for our Indian Health Service's Cheyenne River Sioux Tribal New Facilities Staffing, \$112 Million for New School Construction for Cheyenne River Sioux Tribe, \$250,000 for The *Wolakota Piece Making Circle*, \$713,000 for our *Seventh Generation Youth Council*, including \$63.4 Million for the *Indian Reservation Roads Program*, \$80.5 Million for Nhasda to our *Tribal Housing Authority*, \$948,000 to the Tribe for HIP the *Home Improvement Program*. Also, I respectfully request to our Bureau of Indian Affairs' Tribal Priority Allocation re, \$5.5 Million for our *Tribal Law Enforcement Department*.

#### **Per Chairman's Request, United Sioux Tribes**

Recently, the U.S. Forest Service issued a Final Programmatic Environmental Impact Statement for Geothermal Leasing in the Western United States without even notifying the Sioux tribes. One of the national forests listed on the agreement is the Black Hills National Forest. Also, the U.S. State Department is working with TransCanada to create an integrated pipeline through North Dakota, South Dakota, Nebraska and Montana without any meaningful government-to-government consultation with Sioux tribes as required under Executive Order 13175. We are not consulted by the U.S. Forest Service and Black Hills National Forest or U.S. State Department on anything. The United Sioux Tribes Development Corporation is requesting \$1.2 million for two programs to address the lack of consultation from federal land and resource management agencies through the Bureau of Indian Affairs' Operation of Indian Programs, Community and Economic Activity for the *Indian Jobs Placement Program-United Sioux Tribes (CFDA 15.061)* and \$1.2 million for the *National Tribal Cultural Resources Database Program*. The South

Dakota State Legislature supports these projects by enacting House Concurrent Resolution 1010 and 1011 on February 25, 2009. North Dakota Governor John Hoeven and South Dakota Governor Michael Rounds issued letters of support. Thank you for your consideration.

Mr. MORAN. Do not leave yet. Tell us for a couple more minutes about your priorities. The Cheyenne River Sioux Tribe is the fourth largest tribe in the United States. We should be able to afford you more than a minute-and-a-half. Go ahead.

Mr. BRINGS PLENTY. Okay. Let me go ahead and read through my testimony.

Mr. MORAN. No, you do not have to read through it. Just tell us from your heart what you want us to be doing. What would you be doing if you were on this side of the table?

Mr. BRINGS PLENTY. One thing for sure is that our greatest priority is our water and infrastructure, and we had an appropriation through WRDA in 2007. It had survived basically a veto by the President then. But it was one of the unfunded mandates that so many people have heard of.

This past January we had dealt with a winter ice storm which knocked out over 3,000 poles throughout our reservation. We had 10,000 tribal members without electricity, without heat, without water.

Mr. MORAN. How long did they go without power?

Mr. BRINGS PLENTY. I would say half of the tribe went without power for about a week, and the rest of the tribe for about 2 weeks. And there were some rural areas that went without electricity for 19 days.

I guess one thing that you have to understand, too, as soon as the electricity went off the following day, there was 40-below wind chill factors with 40-miles-per-hour winds that had hit the reservation area on the Great Plains.

Mr. COLE. Did you get a FEMA disaster declaration for that?

Mr. BRINGS PLENTY. Yeah, we did. It was recently approved, and we are going through the application process this week back home.

Mr. COLE. I would like to know how you come out on that because actually we had a similar situation in my area, in a rural area, and FEMA was actually quite good about helping. Those poles are \$2,000 a piece to put up. So just do the math. At least that is what they are in our area. They may be more in yours. But that is a huge drain on tribal resources if you do not get it back up, and you should be eligible for FEMA help on something like that.

Mr. BRINGS PLENTY. Yeah, the FEMA was approved. We are going through the process. The utility company actually is not owned by the tribe. Our part of it, of course, with the water infrastructure, when that went down, that posed—we had to send our dialysis patients off the reservation, actually to our sister tribe. The Oglala Sioux Tribe had assisted us greatly during that time. We had about 40 or 39 people get sent off the reservation. But our water infrastructure is most important. We cannot build. We have three or four families living in one home. Unless we get the water infrastructure of course with—and HUD you cannot build a new home unless you know, you have to have the infrastructure there for it before those dollars are spent. Probably about 5, 6 days into it, when the electricity came on, we had numerous assaults. A lot of people were pretty tired of each other, so law enforcement, which we have about 10 officers for 2.8 million acres there, trying to police the area were just overwhelmed. We had extra BIA personnel

come on to assist, thank God nobody had perished during the storm.

Mr. COLE. Just to underline the need, do you happen to know roughly what the unemployment figure on this reservation would be and what the per-capita income is?

Mr. BRINGS PLENTY. Eighty-six percent unemployment rate, and I would say maybe, for some families, I know that they are living off about \$500, \$300—

Mr. COLE. So clearly not a lot of resources available to meet these kind of needs when you are talking infrastructure law enforcement all across the board. They are not there to be locally generated at this point.

Mr. BRINGS PLENTY. Yes, exactly.

Mr. MORAN. Some of us saw this on television and wished we could have done something about it.

Mr. OLVER, do you have any ideas, Chairing the House—

Mr. OLVER. Oh, do I have ideas. I am not sure that it is possible to cover them as quickly since—have the votes been called? I am not sure.

Mr. MORAN. They have not been called quite yet.

Mr. OLVER. I would like to ask a couple questions if I may.

Mr. MORAN. Okay.

Mr. OLVER. I note, Joseph, that you are also the Vice Chairman of the United Sioux Tribes Development Corporation. What sort of a budget does your development corporation have per year?

Mr. BRINGS PLENTY. Well, right now it has not—before it was in the President's budget. Since then before Bush's terms, it had been surviving on earmarks basically, and the corporation, of course, it involves all the tribes that are involved with the treaty of 1868. Right now I could not give you an exact estimate, but they are not functioning off very much money.

Mr. OLVER. And what kind of things come under the development? Do you build housing? Are you trying to create jobs?

Mr. BRINGS PLENTY. Yes—

Mr. OLVER. Are you developing social services in the development corporation?

Mr. BRINGS PLENTY. It takes care of some of the social needs on a public level as far as some individuals, and it had been done in the past as far as relocating from the reservation off, but what the primary function of the corporation is to create opportunity. And he had stated possible development in a business. That is—

Mr. OLVER. Job opportunities?

Mr. BRINGS PLENTY. Yes, exactly. And one thing, if you read in there toward the end of it, as per my request is funding for a database which is I think for just about every tribe out there would be very useful. We do not have a database system to where we could collect all our information. That would be one function of the United Sioux Tribes Corporation, to be able to be a hub for all of the tribes.

Mr. OLVER. And you are United Sioux Tribes, the corporation, the development corporation, that covers all the Sioux bands from North Dakota, South Dakota and Nebraska?

Mr. BRINGS PLENTY. Nebraska, yeah. The ones that are on—

Mr. OLVER. How many bands would there be? How many bands would you—

Mr. BRINGS PLENTY. Nine.

Mr. OLVER. Nine?

Mr. MORAN. So we will move on at this point, but Mr. Olver, let me just say, he is a very good guy, and he does chair the Housing and Transportation Appropriations Committee. It might be useful to contact his staff. I do not know whether he can help you out at all, but he is having a hearing on Indian housing tomorrow afternoon, and you know, he allocates his money according to need.

Mr. OLVER. But we do not have enough for all the needs—

Mr. MORAN. No, that is for sure.

Mr. OLVER [continuing]. On the reservations to say nothing of the needs elsewhere.

Mr. BRINGS PLENTY. And real quick, too, without the upgraded water infrastructure, we cannot—if we build a house here and add on a line, then somebody loses water pressure here. So we cannot build houses or we cannot build business. We cannot build anything. Right now, we have a moratorium on our reservation stating that we cannot build because of the water pressure.

Mr. MORAN. And what can you do about the water pressure?

Mr. BRINGS PLENTY. We have done just about everything that we could. We put up water towers, we put up reserves, everything that we could, and we have been very efficient but, you know, at this point, we—

Mr. MORAN. The water is not there.

Mr. BRINGS PLENTY. This has been an issue since 1993.

Mr. COLE. What would be the largest job-creators—if you can just tell me a couple of them that are done by your development corporation?

Mr. BRINGS PLENTY. It has been helpful in the past with some of the tribes to create business within their reservations. But like I said it has not been very effective for some years now because of the funding. It was in the President's budget before. It is not now. So what we will do is come together and bring our ideas and push forward with a resolution from the Great Sioux Nation. What I could do, Mr. Olver, is send you a list of what United Sioux Tribes has done in the past to give you an idea of how it could be useful and what a good tool it could be.

Mr. OLVER. From my point of view, one needs to understand exactly all that—land or much of it North and South Dakota and a couple of places in Nebraska would be your bands. Some of them have their own tribal housing authorities—

Mr. BRINGS PLENTY. Yes.

Mr. OLVER [continuing]. Which would do housing.

Mr. BRINGS PLENTY. Yes.

Mr. OLVER. One by one. And whether each of the separate bands has mechanisms to do economic development, which is what you are talking about. HUD begins to talk about doing economic development which is what urban development is the other part of the title, not just housing and urban development, and not that you are urban particularly but in your communities. Certainly you need community development.

Mr. MORAN. So the more you can collaborate or you can show that it is generating jobs, the more consistent it is with the Federal Government's priorities, and Mr. Olver is a good contact to have and we appreciate your testimony. Thank you very much.

Mr. BRINGS PLENTY. Thank you, sir. I appreciate it.

Mr. MORAN. Thank you. Brian Patterson, President of the United South and Eastern Tribes of Tennessee.

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TUESDAY, MARCH 23, 2010.

**UNITED SOUTH AND EASTERN TRIBES, INC.,  
TENNESSEE**

**WITNESS**

**BRIAN PATTERSON**

Mr. PATTERSON. Good morning or good afternoon as it may be. Chairman Brings Plenty, while America turned to Haiti with its heart in its wallet, the eyes of Indian country looked at your reservation with our thoughts and prayers and put our minds together and came up with ways that we could assist your people. So thank you for your leadership.

And just as a point of interest as we sit here and we center our issues around self-determination and self-governance and self-sufficiency to become a self-determining people, I would just like to point out in point of the hardships on chairman's reservation facing his people, I spoke with Gail Kingman, the Executive Director of Great Plains Association, and we are going to spear a movement that would rally Indian country to put an emergency respondedness plan of action and develop some strategies that we could reach out and support Indian country in times of need such as this. Just as Katrina devastated some of my tribes in the South, in many of our USET member tribes, our family responded. We want to put into place the same type of strategy to respond within Indian country and help them out.

Mr. MORAN. Nice going, Mr. President. Thank you. Excellent.

Mr. PATTERSON. Thank you, Mr. Chairman. I expressed my heart-felt gratitude to you chairing this committee in taking on and shouldering that responsibility. So from my heart, I express my heart-felt gratitude.

Mr. Cole, I would just like to acknowledge your years as a tireless warrior and advocate for Indian country. Many thank yous.

Mr. Olver, same with you. Thank you for, with heartfelt gratitude for serving in your capacity.

I have served my people for nearly 20 years as Bear Clan representative of the Oneida Indian Nation of New York. I am in my second term as USET President of the United South and East Tribes. We are very diverse, not only in geography but in where we are in development. I represent tribes from Texas to Florida up to Maine, 25 federally recognized tribes, and we are grateful for this opportunity to present.

Most of the USET in the BIA and BIE budget priorities are in line with identified national tribal priorities. However, there are several areas of concern that are specific to the tribes of the east-

ern region. While USET believes that all Indian programs are vital to creating strong tribal governments and that Congress should protect and improve current base funding levels for all programs, the USET priority programs are tribal priority allocations, contract support, tribal courts and scholarships. Education is the key to our survival as a people as well as the other priorities listed in advancing the best, bright future for our children.

Thank you for your time, sir.

[The statement of Brian Patterson follows:]



**Brian Patterson, President  
United South and Eastern Tribes, Inc.**

**Testimony before the  
House Interior Appropriations Subcommittee  
Public Witness Hearing on American Indian Issues**

**Tuesday, March 23, 2010**

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**Request:** USET urges the Interior Appropriations Subcommittee to support funding increases substantially above the inflation rate for Tribal Priority Allocations, Contract Support Costs, Tribal Courts, and Scholarships, within the Bureau of Indian Affairs and Bureau of Indian Education budgets, Department of the Interior

**Introduction.** The United South and Eastern Tribes, Inc. (USET), is an inter-tribal organization representing 25 federally recognized Tribes from Texas across to Florida and up to Maine. The USET Tribes are within the Eastern Region of the Bureau of Indian Affairs (BIA), covering a large expanse of land and area compared to the Tribes in other Bureau of Indian Affairs Regions. USET Tribes can be found from the Canadian Border in Maine and New York, along the east coast to Florida, west into Mississippi and south into Texas. Due to this large geographic area, the tribes in the Eastern Region have incredible diversity.

This testimony is focused on the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE). It does not address in detail critical priorities for Indian health care, Indian Housing, energy development, culture and heritage, language and natural resources strategy. With regard to those areas, USET endorses the national Tribal priorities for funding the Indian Health Service through HHS, Indian Housing programs through HUD, Indian language and culture through the Department of Education, Tribal Historic Preservation Officers through the National Park Service budget, and other important Tribal budget priorities.

Most of the USET BIA and BIE budget priorities are in-line with the identified national Tribal priorities; however there are several areas of concern that are specific to the Tribes of the Eastern Region. While USET believes that *all* Indian programs are vital to creating strong Tribal Governments, and that Congress should protect and improve current base funding levels for all programs, the USET priority programs are: *Tribal Priority Allocations, Contract Support, Tribal Court, and Scholarships.*

**Tribal Priority Allocations (TPA).** The Tribal Priority Allocation is the principal source of funds for tribal governments. Tribes have the latitude to prioritize TPA funding among numerous general categories, including Social Services, Resources Management, Tribal Government, Real Estate Services, Education, Public Safety & Justice, and Community & Economic Development. This flexibility is particularly important to USET, due to the diverse nature of our membership.

The 1999 Bureau of Indian Affairs Tribal Priority Allocation Report showed that the TPA base met only one-third of identified need. Considering the minimal funding increases since that time, coupled with inflation and population increases, the situation has only worsened. To catch up in part, USET believes that funding for the Eastern Region Tribes TPA needs to increase by at least \$9.4 million, even without considering our unmet historical needs.

**Tribal Courts.** As former Attorney General Janet Reno noted “fulfilling the federal government’s trust responsibility to Indian nations means not only adequate law enforcement in Indian Country, but enhancement of tribal justice systems as well.” Despite increases in FY 2010, the high cost of legal personnel (i.e. judges, prosecutors, attorneys, mediators) means that funding for effective Tribal courts needs to remain a priority. As cited in a Civil Right Commission Report, “the critical financial need of tribal courts has been well documented and ultimately led to the passage of the Indian Tribal Justice Act.”. Currently, in the Eastern Region only 46% of the tribes receive BIA funding for the operation of their tribal courts. Many of these courts have a judge that only hears cases once a month, raising due process concerns. Tribes do not have the funding to purchase much needed legal materials or to send personnel to relevant trainings. The need for tribes to establish drug courts is growing as more and more tribes face an increase in prescription drugs, methamphetamines and other controlled substances on tribal lands. Without tribal courts, tribes are not able to provide for the protection and well-being of their tribal members. Many programs such as Indian Child Welfare, Title IV-B, Adult Protection, and Child Support Enforcement require tribes to have established judicial systems in place prior to assumption of these programs.

**Scholarships.** Over the last several years, funding for BIA’s post-secondary education programs has remained largely stagnant. Despite the increasing costs of college tuition and other related costs, (between School Year 2001 – 2009 tuition costs increased by more than 26%), the average grant, \$2,700 per student, has remained the same for the last 5 years. The FY 2011 Indian Affairs Budget Justification states that tribes will experience a decline from the prior year in the number of scholarships. Even though the projected decline is slight, any decline is devastating considering the existing disparities. Due to funding limitations, most Tribes must turn students away or can only supplement partial scholarships for their tribal members. Tribal youth are increasingly interested in pursuing higher education degrees; however tribal graduates still remain far behind the number of graduates from other groups in America. Other financial aid and grant opportunities for higher education have been reduced in previous years, making it extremely difficult for most tribal students to afford pursuing higher education.

Effective educational systems are crucial for nurturing strong and self-reliant young adults. Strong emphasis on education in communities has shown reduced criminal and domestic violence rates, reduced cases of substance abuse, and reduced poverty levels while increasing the economic vitality of the community. Providing additional funding for BIA’s scholarship program is vital to fostering equity in higher educational attainment for Indians to other people groups in America.

**Contract Support Costs.** The FY 2011 President's Budget proposes a funding increase of \$21.5 million for Contract Support Costs. This complex funding area has been a priority issue for decades, not only for the Eastern Region Tribes, but for all Tribes operating federal programs. When Contract Support Costs are not fully funded the Tribes are forced to utilize limited direct program service dollars or tribal resources to cover shortfalls. The methodology behind Contract Support Costs basically dictates that Tribes need to identify resources to cover any shortfalls or they are at risk of entering into a "downward cycle" and the tribe's ability to effectively and efficiently manage federal programs is greatly impaired. This proposed increase, coupled with previous years' increases, brings the BIA to 94% level of achieving this obligation. Other Bureaus within the Department of Interior, as with other federal agencies, have achieved their obligation of paying a 100% contract support costs to their non-native contractors; this obligation cannot be ignored when it involves tribal 638 contractors.

**Conclusion.** All Indian programs are important and interconnected in the broad effort of bringing parity and progress to Indian country. To the extent that some areas may receive greater increases than others, USET would ask that base funding be protected for all programs but that additional funding go to the four priority areas described above. USET also asks that any additional funding go directly to the program/Tribal level and not be held for administration use at the central level.

The work of this Subcommittee is very important to Indian Country. Thank you for this opportunity to provide testimony. Please do not hesitate to contact me if you should have any questions.

Mr. MORAN. Thank you very much. Good, concise, to-the-point testimony, and I appreciate it very much, Mr. Patterson. As you probably know, members, but far more importantly, the staff is going to review all of these statements and hopefully we will be able to reflect them in our markup. So thank you very much.

Mr. PATTERSON. If we can be of any further service, please do not hesitate to call on us. Thank you.

Mr. MORAN. And thank you for responding for the Cheyenne River Sioux situation. That was horrible what they encountered through a natural disaster, and it is great to hear your response. Thank you, Mr. Patterson. Excellent.

Lloyd Miller, who is a partner in Sonosky Chambers Sachse Miller & Munson, and Counsel to the National Tribal Contract Support Cost Coalition.

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TUESDAY, MARCH 23, 2010.

**NATIONAL TRIBAL CONTRACT SUPPORT COST  
COALITION**

**WITNESS**

**LLOYD MILLER**

Mr. MILLER. Thank you, Mr. Chairman. The coalition is comprised of 16 tribes in 10 states administering over \$400 million in Indian health service grants and contracts and self-governance agreements.

I can say two things today without fear of contradiction. One is that the most important piece of Indian legislation to pass in the last 35 years is the Indian Self-Determination Act. It has produced enormous improvement for Indian communities by the communities themselves through contracts, compacts, self-governance agreements. Mr. Cole's district in particular is stellar across the country as well as in Alaska.

I can also say without fear of contradiction and as the Senate has said and the House has said that the single greatest impediment to the success of self-determination has been the underpayment of contract support costs.

The committee has heard a lot this morning and this afternoon about contract support costs, and they sound like a very obscure issue. Contract support costs are the fixed costs that are set by the Federal Government through indirect cost rates that must be incurred which are audited every year and re-audited after they are incurred. They are fixed costs. They are costs of insurance, for instance, workers' compensation insurance. They are fixed. When they are not paid by the agency, they come out of the program. As a result, tribes are penalized such as the Cherokee nation, over \$10 million. The Choctaw Nation, also a member of the coalition's like sum, several \$10 million shortfalls across the country. Every \$10 million is 243 positions lost in healthcare both as a result of the money that comes out of the program and then the Medicare and Medicaid third-party revenues that cannot be generated.

So it is an enormous drain on jobs in very depressed areas that provide healthcare, law enforcement, grazing, land programs, all of

the programs that you have heard about today. Our concern is that when the budget is balanced on the contract support costs line item, instead of some other line item such as law enforcement, it is terrible to balance it on anything. But it balances it on the line item where only tribes participate, then it is balancing a budget disproportionately on the tribes. If it is balanced, for instance, on the hospital and clinic's budget, half of which, 60 percent of which is run by the tribes and 40 percent by IHS, there is a certain parity. But if it is balanced only on the contract support cost line, 100 percent of the cut is borne by the tribes.

So we would ask this committee to give some consideration. Wonderful of the committee the work that you did last year to increase an already wonderful budget request from the President to \$116 million and to find funding for the BIA contract support cost increase. Spectacular, unprecedented in 20 years, that increase, but unfortunately, we are still only at 80 percent funding on both sides in 2011 at the President's figures. I must correct the budget justification from the BIA. The BIA took the amount of the budget request and divided by the 2007 need, and that calculated out to 94 percent of need which a colleague earlier just mentioned. In fact, if they divided it by the 2011, it would be about 80 percent.

So there is a long way to go. The testimony explains how we might close the gap in a three-year period, \$30 million increases from IHS, \$21 million increases per year for the BIA. These are enormous numbers, and the pressure is on the committee. You are formidable. I thank the committee for working on this issue so much over the years and offer any assistance I can to help in the future. Thank you, Mr. Chairman.

[The statement of Lloyd Miller follows:]

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## NATIONAL TRIBAL CONTRACT SUPPORT COST COALITION

HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT,  
AND RELATED AGENCIES ON THE FY 2011 BUDGET

March 23, 2010

Testimony of Lloyd B. Miller, Counsel, National Tribal Contract Support Cost Coalition

My name is Lloyd Miller. I am a partner in the law firm of Sonosky, Chambers, Sachse, Endreson & Perry, LLP of Washington D.C. and I serve as counsel to the National Tribal Contract Support Cost Coalition, comprised of 16 Tribes and tribal organizations situated in 10 States and collectively operating contracts to administer over \$414 million in IHS and BIA programs. I am here to discuss the legal duty and urgent need to fully fund the "contract support costs" that are owed these and other Tribes performing contracts and compacts on behalf of the United States.

Since the "contract support cost" issue arises in the context of the 1975 Indian Self-Determination Act, it is perhaps best understood in the context of what came before and after that Act. As the Committee is well aware, for much of the nineteenth and twentieth centuries tribal governments were marginalized and suppressed, and on occasion altogether extinguished, by a succession of deeply ill-conceived federal policies. By the late 1960s, so subjugated were tribal communities that hardly anything remained under the control of their governments. The BIA and IHS controlled every aspect of reservation life, from where children were schooled, to what they spoke, to what crimes were prosecuted, to who would and would not receive health care, to where and under what conditions the dead would be buried. The tribal governments that were active were often forced to be the BIA's agents, compelled to sign documents whenever the call came. In short, by the late 1960s the Federal Government had taken control of virtually all essential governmental services in Indian country, and the BIA and IHS maintained tribal communities in a perpetual state of dependence.

I mention this past because soon it would all change. Pressed by the civil rights movement, Presidents Kennedy, Johnson and Nixon gradually developed a very radical new direction in Indian affairs. In 1970 President Nixon formally called upon the BIA and IHS to release their grip on tribal communities, and to facilitate the return to the Tribes of their rightful role as the governments of and by their people, providing for themselves the essential governmental services that for too long the BIA and IHS had controlled from this distant Capitol. Five years later Congress responded by enacting the Indian Self-Determination and Education Assistance Act of 1975.

ALASKA NATIVE TRIBAL HEALTH CONSORTIUM ARCTIC SLOPE NATIVE ASSOCIATION, LTD. CHEROKEE NATION CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION CHOCTAW NATION CONFEDERATED SALISH AND KOOTENAI TRIBES COPPER RIVER NATIVE ASSOCIATION FOREST COUNTY POTAWATOMI COMMUNITY	KODIAK AREA NATIVE ASSOCIATION LITTLE RIVER BAND OF OTTAWA INDIANS PUEBLO OF ZUNI RIVERSIDE - SAN BERNARDINO COUNTY INDIAN HEALTH SHOSHONE BANNOCK TRIBES SHOSHONE-PAIUTE TRIBES SPIRIT LAKE TRIBE YUKON-KUSKOKWIM HEALTH CORPORATION
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No single enactment has had a more profound effect on more tribal communities than has the Indian Self-Determination Act. In virtually the blink of an eye, Tribes and inter-tribal organizations began seizing control of the BIA and IHS, taking over the administration of vast areas including health care, education, law enforcement and land and natural resource protection. Today, not a single Tribe in the United States is without at least one self-determination contract with each agency (either individually or as part of an inter-tribal consortium). From their humble beginnings in 1975, today the Tribes administer over **\$2.82 billion** in essential governmental functions that have been transferred under self-determination contracts and self-governance compacts, employing an estimated 35,000 people.

In the IHS Aberdeen Area, over 20% of the IHS budget is under contract to the Tribes. In Alaska, 100% of the IHS budget and most of the BIA budget has been contracted out to the Tribes. From the Navajo Nation to the Pacific Northwest to California to the Eastern Seaboard, Tribes in 35 States have demanded their self-determination rights and secured control over IHS and BIA programs.

The ISDA has by any measure been a success unprecedented in the history of America's relations with its Tribes. It has served not only to shift back to the Tribes the primary role of controlling and administering essential governmental services, but to reinvigorate those Tribal governments so that they would be in a position to engage in meaningful economic and resource development to better their communities.

But as a 1987 Senate committee noted—and as four successive amendments attest—it has not all been smooth sailing. Predictably, at first the agencies fiercely resisted relinquishing control and funding to the Tribes. Later, a larger issue rose up as the “single most serious problem with implementation of the Indian self-determination policy.” And that was both agencies' failure to pay their full “contract support costs” obligations.

“Contract support costs” are the necessary costs of operating a federal program under contract. After all, when the BIA and IHS operate these programs, the agencies have the benefit of their own massive bureaucracies to support the programs with personnel and financial management systems, legal resources, procurement systems and the like, both from within their two Departments and from other departments like the General Services Administration and the Office of Personnel Management. So, too, tribal contractors require similar resources to properly carry out the contracted programs. Moreover, Federal law demands more of the tribal contractors, such as annual independent audits, reporting requirements and workers' compensation and other insurance. For the most part these fixed contract support costs are set by government-issued indirect cost rates. The rates are based upon certified independent audits, and the costs are then reaudited once each contract year is over. (Indirect cost rates are a common feature of government contracting generally.)

These costs are the fixed costs which tribal contractors must incur, which the agencies under the law are required to reimburse in full—but which the agencies have historically failed to pay in

full. As a result, tribal contractors have been left with no choice but to cut program positions and services and thus divert program funds to pay the contract costs that the agencies' should have paid. Although Congress 23 years ago directed that the agencies "must cease the practice of requiring tribal contractors to take indirect costs from the direct program costs, which results in decreased amounts of funds for services," S. Rep. No. 100-274, at 9 (1987), today the practice continues.

For instance, from 2000 to 2008 (and with one exception for the BIA only), President Bush failed to request any funds to make for up the contract support cost shortfall—even after the Supreme Court in the 2005 Cherokee Nation case held that these contract amounts by law must be paid. President Obama has set a decidedly different course, and thanks to this Committee's leadership Congress recently enacted increases of \$116 million for IHS contract payments and \$18.6 million for BIA contract payments. Even still, this year IHS will fall short of its contract support cost obligations by an estimated \$105 million, and the BIA will fall short by \$64 million.

The President's Budget for FY 2011 once again proposes serious increases for both IHS and the BIA, increases which the Coalition certainly supports. But it must be pointed out (as the Budget Justification explains) that the \$45 million increase requested for IHS will only be sufficient to cover the increased contract support cost requirements associated with the program increases being proposed in the Budget. Not one penny will be available to pay down the **\$105 million** historic IHS shortfall. While the \$21.5 million increase for BIA contract payments will actually reduce a substantial portion of the BIA's historic shortfall, there, too, a significant shortfall of **\$46 million** will nonetheless remain.

Ideally, these shortfalls should at long last now be eliminated. But if that is not feasible in the current budget environment, then the Coalition requests that sufficient increases over the President's proposed Budget be made to close the gap in three years for the IHS (representing an additional **\$35 million** per year) and in two years for the BIA (and additional **\$23 million** per year).

The status quo is not acceptable for many reasons. First, in the absence of any increase, the combined projected contract support cost shortfall in FY 2011 will be nearly \$220 million for the two agencies. Since the Tribes have to cover that shortfall through continuing program reductions, the Tribes will have only \$2.6 billion to carry out their contracted \$2.82 billion programs for their communities. In contrast, paying the full shortfall would permit Tribes to restore over 4,000 jobs in these programs at a time of urgent national economic crisis.

Second, the *status quo* penalizes Tribes for their self-determination contracting activities, an inequity Congress should not permit to continue. Today, a \$1 million IHS-operated clinic has \$1 million to employ staff and serve the local community. But a \$1 million tribally-operated clinic on average has only \$800,000 to serve the same community. The same is true of the BIA. It is a cruel and unfair burden imposed on the very tribal communities that seek greater tribal self-determination.

Third, the continuing shortfalls have all but brought to a halt forward progress under the ISDA. For years, new contracting activities have slowed to a trickle, and each agency is stuck at no



more than 60% of its budget operated by Tribes. This is not a product of Tribes not wanting to contract more of those agencies' operations—witness the Standing Rock Sioux Tribe or the Shoshone-Paiute Tribes, each of which has expressed an interest in expanding their contracts to cover, respectively, an IHS clinic and a BIA roads program, but neither of which can afford to operate those contracts with no contract support costs. The Southern Ute Tribe is mired in litigation over the operation of its IHS clinic, again because of conflicts over contract support costs. Although three years ago the Cherokee Nation contracted to operate the IHS Tulsa Hastings Hospital, the Cherokee Nation is still not receiving any contract support for those operations, and its contract actually acknowledges that program funds are being diverted to make up for the difference.

Fourth, investing funds here is wise. No part of the IHS or BIA budgets is more highly scrutinized than funds awarded under these contracts. There is a transparency and accountability here that is unrivaled in other government contracting work.

Fifth, fully paying CSCs is legally required. In Cherokee Nation the Supreme Court admonished that these contracts are no less enforceable than other government contracts, and the government is ordinarily liable even if it has insufficient funds to pay all of the contracts it has made. Indeed, section 106(g) of the ISDA expressly commands that the Secretary “shall add the full amount” of contract support and program funds to every contract. It is not a matter of writing a better law; it is a matter of honoring the law that Congress has already written.

Finally, it is a stain on America when the Nation honors to the penny all other government contracts, even when honoring those contracts demands supplemental appropriations, but not contracts with Indian Tribes. As much as law, policy, fairness and good sense, the Nation's honor demands that these contracts be paid in full for services duly rendered to the United States.

In addition to these recommended funding levels, the Coalition recommends that the Committee require each agency to consistently project and budget for the budget year additional CSC requirements associated with new contracts and program expansions (on average, 13.5 cents for each new IHS dollar, and 10.4 cents for the BIA). The IHS did this in FYs 2010 and 2011, but the BIA did not. Also, both agencies must calculate the projected shortfalls using the best available estimates for the budget year. Because the BIA used 4 year old numbers, it incorrectly stated that the proposed budget will fund CSCs at 94% of need, when in fact it will fund only 80%. Finally, the Committee should reconcile the different language used in the IHS and BIA portions of the bill, eliminate old “section 314” (a useless provision after the Cherokee case), and assure each agency has an ISD Fund within the overall CSC appropriation. Proposed language is attached to this testimony.

Thank you again for the opportunity to offer these recommendations.

Mr. MORAN. Thank you. Thank you very much, sir. I appreciate, Mr. Miller, what you are doing on behalf of Native Americans.

If we cut it tight on this vote, we could have almost 5 minutes left, and what we could do, we have got two or three members that we cut short. If there are comments that you feel should have been made that have not gotten into the—thank you, Mr. Miller. You can offer comments, too, but if you feel there are comments that should have been made, we are open to them. We want to maximize our time in this hearing because we do not get enough time to listen to the Native American communities, and we want to get as much on the record as possible.

Are there any comments that you wanted to make that, you know, having taken your seat subsequently that you thought, gee, I wish I had said so-and-so. Go ahead.

Mr. ROTH. I just wanted to—

Mr. MORAN. You need to repeat your name again for the record.

Mr. ROTH. My name is Geoffrey Roth, and I am the Executive Director of the National Council of Urban Indian Health.

I did mention or was in my testimony that urban Indian health programs did not receive any money from the ARRA funding at all. Indian tribes community health centers and other programs that serve Indian populations received ARRA funding. Our programs did not receive any of that.

So in consideration of additional funding or to increase services to the Indian population, I just wanted to make sure that that was understood.

Mr. MORAN. But there was money for Native American programs in ARRA.

Mr. ROTH. Oh, yes, there was quite a bit of money for Indian programs, but nothing for urban Indian health programs.

Mr. MORAN. I see. All right.

Mr. ROTH. And there was quite a bit of money for IHS-funded programs, and when the Finance Committee realized that they left us out, the staffers had already released the numbers at that point of how much was going to be in, and they said that they would carve money out of the tribal appropriations for urban Indian health programs, and I said no, do not do that. I am not going to take from the tribal programs.

Mr. MORAN. Yes, we do not want you to do that. But what we would like for you to do is to do an analysis of how this health reform plan, assuming it gets through the Senate this week, affects urban Indian health.

Mr. ROTH. Yes.

Mr. MORAN. And if there was a way through outreach or whatever to make it more effective, how you could do that. I think that would be very helpful for us to fully understand the maximum impact that this bill that we passed on Sunday might have, because I do think it could be a tremendous opportunity for many families to get some, really, to get 100 percent subsidy of insurance.

Mr. ROTH. We will definitely do that, and Dr. Roubideaux has just committed to do a national needs assessment on urban Indians as well.

Mr. MORAN. Thank you, Mr. Roth.

Mr. ROTH. Thank you.

Mr. OLVER. May I comment on that?

Mr. MORAN. Please.

Mr. OLVER. In my subcommittee we did—well, it was not out of the subcommittee because ARRA is coming out of the general programs of the Appropriations Committee. But there was \$.5 billion for Indian housing, and that has been largely committed, largely allocated, and obligated I think by this time. But what happens with that is for the 2011 budget, the recommendation out of OMB has been to reduce what had been the yearly allotment for that program because it takes a while, a period of time to use up what we did. Of course, what we intended to happen was that we would be providing a mechanism to do some of the replacement of the really serious housing deficiencies. These of course are only on the tribal areas, on the reservation areas.

Mr. MORAN. If I could, Mr. Olver, Chairman Brings Plenty, did you get any of that \$.5 billion for the Cheyenne River Reservation, for housing that was made available in the economic Recovery Act?

Mr. OLVER. They should have gotten it tribe by tribe, whichever ones have housing authorities. Some of that—

Mr. MORAN. This is a large tribe. This is—

Mr. OLVER [continuing]. Was—do not apply for it.

Mr. MORAN. Sir, do you want to add anything before leaving?

Mr. BRINGS PLENTY. Sure. Of course there were requirements that came out or conditions that came out with the ARRA funding, and unfortunately if you were not a participant the year before, then you were not going to be eligible for that specific ARRA funding. So we were not—

Mr. OLVER. Well, why? There are 500 recognized tribes. Some do not have reservations of any significance, and some do not have housing authorities per se.

Mr. MORAN. True, but this is the fourth-largest tribe on a reservation.

Mr. OLVER. Well, when he says his tribal group, the combined bands are the fourth-largest tribe of the tribes. Several of those bands have housing authorities, and some of them must have gotten—I am going to have to ask questions tomorrow about that.

Mr. MORAN. And it would be useful if you could get back to us.

Mr. BRINGS PLENTY. Most definitely. Real quick, too, our relative here who had mentioned the emergency response. I am also the President of the large land-based tribes. Now, the thing is, what we are going to introduce in our next meeting is that we come up with basically the idea of what our relative has said on getting our own emergency response to be able to come out because this was completely, a really frustrating process for us, and we understand it is in place through the Stanford Act as far as how to request it and the mechanisms are set up, and I am worn down and emotionally exhausted from having to deal with all of that. But that is one thing that large land-based tribes are going to pursue.

Mr. MORAN. When there is money available, it has got to go to the people most in need, and you are certainly one of them. I hope you will continue in communication with us.

Mr. BRINGS PLENTY. I will.

Mr. MORAN. And Mr. Olver is a real resource because he is on both committees.

Mr. Cole, did you have a final comment? Was there anything further that you wanted to add?

Mr. ZORN. Very quickly. Jim Zorn, Great Lakes Indian Fish and Wildlife Commission.

It is great to hear all the talk about health programs, and for natural resource-based tribes, it is important to remember the importance of the natives' foods diets. And so when you help the healthy communities in the front end, you help save costs in the back end. And one small comment about Self-Determination Act funding, if you can get that to the tribes, they can use that as matching funds to leverage other funds like Fish and Wildlife Service and other agencies that are very good programs. And like with Circle of Flight, we have proven that for every dollar that you get to a tribal program like that, you can leverage up to three others. So there is efficiencies that way as well. So thank you.

Mr. MORAN. Very important. Thank you for that. Sir.

Mr. BEGAY. Just real quick, we are building a large transmission project for renewable energy as well, and also we are in the Energy Act to receive grants and other assistance. Thank you.

Mr. MORAN. Good. Thank you. Yes.

Mr. NOKA. Excuse me, I do not want to breach protocol. Randy Noka, Tribal Council from the Narragansett Tribe, and also Vice President for UCET that the President spoke about.

There is always a desire to get additional monies, and my tribe is certainly in that vein and this is the protocol I speak of. If there is any opportunity, I know it was before the House Resource Committee, but at the—we certainly need that in Indian country. So any consideration by the committee members would be appreciated.

Mr. COLE. We have a bill to that effect. Senator Dorgan has a bill to that effect, and Congressman Kildee has a bill, and it really needs to get done because there are billions of dollars worth of investments in Indian lands that are at risk, and this is a tribe that is a very old tribe. I mean, it is ridiculous that you are not considered recognized. So I am certainly doing everything on my end to help.

Mr. MORAN. I totally agree with Mr. Cole and you. I am glad you made that point, and it will be the last word in this hearing. Thank you all very much.

THURSDAY, MARCH 25, 2010.

**ISSUES FROM THE FIELD: PUBLIC WITNESSES AND MEMBERS**

**ORGANIZATIONS AND MEMBERS OF CONGRESS**

Mr. MORAN. Good morning to all of our witnesses and guests for our second public witness hearing of this week. This morning we are going to hear from Members of Congress and a number of witnesses representing a variety of environmental, recreational, memorial and arts organizations. I want to especially welcome those of you who have traveled long distances to be here today, so that does not include the Members as much as it is nice to hear from them. You did not have to make the effort that some folks had to make. But we look forward to everyone's testimony.

At Mr. Simpson's urging, I try to cite someone that I know we find inspiration from mutually, and the great John Muir advocated passionately for the environment. He helped to inspire President Theodore Roosevelt's conservation initiatives and encouraged Congress to found the extensive national park system. He reminds us that we should never underestimate the importance of public citizens advocating before their government when they see opportunities for improvement, and we think that perhaps this quote from John Muir sums up why many of you traveled here today, why this subcommittee believes your testimony is so valuable no matter what the subject. Here is the quote: "Everybody needs beauty as well as bread, places to play in and pray in, where nature may heal and give strength to body and soul."

Now for some important housekeeping items. We have to remind all witnesses that there is only 5 minutes total to deliver your statement and to answer questions. Invariably we get votes and all and there are other hearings going on so we found that we just have to be disciplined about that, so we are going to watch the timer closely. When the orange light comes on, you have 1 minute left, and should you not wrap up within that 1 minute, the red light comes on and that is when the time is expired. But everyone's entire prepared statement will be put into the final hearing record.

Mr. MORAN. Before we get started, Mr. Simpson, would you like to make any comments?

Mr. SIMPSON. I am just meditating, and let's go on. Thank you all for coming.

Mr. MORAN. Our first witness is Representative Dean Heller from the great State of Nevada, and Mr. Heller, welcome.

THURSDAY, MARCH 25, 2010.

**NV-02****WITNESS****HON. DEAN HELLER**

Mr. HELLER. Thank you, Mr. Chairman.

Well, I appreciate you allowing me a few minutes of your time to discuss some of these issues. These are critical issues for the State of Nevada, and if you are out West—and Mike and I were looking at that map up there at the amount of land that is owned by the Forest Service and the Federal Government through BLM, and I think the issues that we are going to discuss today are just absolutely critical for some of these western states, especially the State of Nevada. So Mr. Chairman, thank you for allowing me to come in front of you, and Ranking Member, I appreciate your time also.

I mentioned taking a look at that map. Eighty-five percent of Nevada is controlled by the Federal Government, 85 percent. I do not see any yellow in Virginia there, Mr. Chairman. So it causes some very distinct differences and issues, and I want to bring a couple of those issues up.

The health of our rangelands under federal jurisdiction greatly impacts the health of the local communities in Nevada. Nevada's rangelands are in serious need of restoration and rehabilitation.

As I am sure both of you are aware, the U.S. Fish and Wildlife Service recently announced that the sage grouse is a candidate for listing under the Endangered Species Act, and in some areas in Nevada we expect listing to occur within just the next few years. Sage grouse habitat consists of large portions of Nevada as well as portions across many of the western states. To say that an official listing of the sage grouse as an endangered species will have impact on the Western states is very much an understatement.

Wildfires, invasive weeds and the overpopulation of non-native wild horses have led to severe damage of our range and wildlife populations. Some of the native wildlife such as sage grouse relies heavily on healthy sagebrush ecosystem to maintain healthy populations. So in light of these problems, I would like to voice my support for making rangeland restoration a greater priority. The two top causes for the decline of the sage grouse population in Nevada are wildfires and invasive weeds. While I continue to strongly support wildfire suppression as a priority, I also believe greater efforts should be made to curb the infestation of invasive weeds and elevate rangeland restoration to a higher priority.

The second issue I would like to bring to the committee's attention would be the removal of the geothermal royalties to local governments. As you know, the fiscal year 2010 Interior appropriations legislation contained a provision that stripped counties of the geothermal energy revenue sharing that was enacted as part of the energy policy back in 2005. This provision robs counties of their 25 percent share, which they count on to provide services and infrastructure in part made necessary by geothermal development and production in their communities. We have one particular county, Churchill County, that their 25 percent was literally millions of

dollars to them. When that 25 percent was eliminated, it clearly had an impact on their ability to provide services. Some of our western communities have as little as 2 percent taxable land base. The geothermal revenue sharing provides a funding stream that allows the counties to fund services such as law enforcement, schools, health care and other critical infrastructure.

I have introduced bipartisan legislation with Representative Thompson out of California to restore the counties' share of these revenues. While I believe these revenues should be returned to the local governments this year, I am here to advocate for the removal of this provision for the next fiscal year. At a time when Nevada counties are struggling to address falling revenues, action by Congress suddenly cut a significant portion of their local county budgets. Nevada has been hit with high foreclosure rates. Counties in my district are grappling with increased unemployment. In fact, there was an article that came out today in one of the local papers saying that four out of 10 people in Las Vegas desire to move out. So Las Vegas is going to lose 40 percent, and if it comes to fruition that that is the case, you can understand the impact that that is going to have throughout the whole State of Nevada. Local governments in Nevada are struggling to provide essential services, and these revenues are critical, these geothermal revenues.

Nevada is a geothermal state. I think we have more geothermal activity in the state of Nevada than any other state in the country, and clearly the revenues that come from this, which offset the fact that we have very small taxable lands in the State of Nevada, getting hit twice, not being able to have a larger tax base through the lands and also eliminating the geothermal tax revenue has really been rough on the local governments throughout the State of Nevada. So we are looking to eliminate that particular provision when it comes to geothermal revenues and looking for some real solid help from this committee on rangeland management.

I guess my point is, if you take the sage grouse and you put them under the Endangered Species Act, it is going to have huge impacts on our farmers and ranchers throughout the State of Nevada, so rangeland restoration is a critical issue in making sure that we have good sage grouse habitat so that we can alleviate some of those problems that would come with listing that.

[The statement of Dean Heller follows:]

The Honorable Dean Heller (NV-02)  
Statement on Interior Appropriations  
 3.25.10

Thank you Chairman Moran and Ranking Member Simpson for having me here this morning.

Nearly 84% of Nevada is controlled by the federal government. This presents us with many unique challenges and leaves my constituents directly impacted by the funding under this subcommittee's jurisdiction. However, today I would like to highlight two issues that are currently of great importance to my state

The health of our rangelands under federal jurisdiction greatly impacts the health of local communities in Nevada.

Nevada's rangelands are in serious need of restoration and rehabilitation. As I am sure both of you are aware, the U.S. Fish and Wildlife Service recently announced that the sage grouse is a candidate for listing under the Endangered Species Act, and in some areas of Nevada, we expect listing to occur sometime in the next few years.

Sage grouse habitat consists of large portions of Nevada, as well as large portions across many Western states. To say that an official listing of the sage grouse as an endangered species will have a dramatic impact on the West is a vast understatement.

Wildfires, invasive weeds and the overpopulation of non-native wild horses have led to severe damage to our range and wildlife populations. Some of the native wildlife, such as the sage grouse, relies heavily on a healthy sagebrush ecosystem to maintain healthy populations.

In light of these problems, I would like to voice my support for making rangeland restoration a greater priority. The two top causes for the decline of sage grouse populations in Nevada are wildfires and invasive weeds. While I continue to strongly support wildfire suppression as a priority, I also believe greater efforts should be made to curb the infestation of invasive weeds and elevate rangeland restoration as a higher priority.

The second issue I would like to bring to this committee's attention is the removal of geothermal royalties to local governments.

As you know, the FY10 Interior Appropriations legislation contained a provision that stripped counties of the geothermal energy revenue sharing that was enacted as part of the Energy Policy Act of 2005.



This provision robs counties of their 25 percent share, which they count on to provide services and infrastructure, in part, made necessary by geothermal development and production in their communities.

Some of our western communities have as little as 2% taxable land base, and geothermal revenue sharing provides a funding stream that allowed counties to fund services such as law enforcement, schools, emergency health care, and other critical infrastructure.

I have introduced bipartisan legislation with Rep. Mike Thompson to restore the county share of these revenues. While I believe those revenues should be returned to the local governments this year, I am here today to advocate for the removal of this provision for the next fiscal year.

At a time when Nevada counties are struggling to address falling revenues, action by Congress suddenly cut a significant portion of their local county budgets. Nevada has been hit with high foreclosure rates and counties in my district are grappling with increasing unemployment. Local governments in Nevada are struggling to provide essential services and these revenues are critical.

While this problem was created as part of FY10 Appropriations, it can be fixed very simply as part of FY11 appropriations.

During these difficult economic times, this funding is vital and it is my hope that the Committee will right this wrong. I strongly urge you to reinstate the geothermal royalty share.

Thank you for your time.

Mr. MORAN. Thank you, Mr. Heller. With regard to sage grouse, we have had some discussion in this subcommittee and with the Interior Department. The population has been reduced from millions down to a few thousand, so they felt that they are going to have to do something but their decision was to put it on a low priority so basically it is on a list but it is at the bottom of a long list and there is no intended action in the near term and probably for years. It will be years before they get to it. What they are going to try to do is to figure out other ways to build the sage grouse population back up so there are no punitive measures applied that would have economic problems for the areas where the sage grouse is indigenously located.

I know that you had a problem last year on the construction of a fire facility in Carson, Nevada. That was all taken care of. That was moved away, moved out of Carson City?

Mr. HELLER. On that fire station? You know, I do not know what the current status of that is. I believe it went forward. I think it went forward and they are going to——

Mr. MORAN. In Carson City?

Mr. HELLER. In Carson City.

Mr. MORAN. I thought—because we were informed that BLM and Forest Service decided the facility would be built someplace else out of town.

Mr. HELLER. I knew that there was a variety of locations that they were considering for this particular fire station but I have not been told yet what that location is going to be.

Mr. MORAN. Well, what was indicated to us was that they were trying to reach a decision that you would find acceptable.

Mr. HELLER. Good, and I look forward to working with them.

Mr. MORAN. Our staff will inform you as to what we——

Mr. HELLER. That is good.

Mr. MORAN. I think it will show a responsiveness on the BLM/Forest Service part.

And lastly, Senator Reid did add that provision on the revenue sharing from geothermal revenue onto the Senate-passed tax extended package.

Mr. HELLER. That is my understanding also.

Mr. MORAN. But the state did not lose revenue, right? Is the issue not that the state gets half the revenue instead of splitting it with the counties? So the state could choose to share it with the counties and there would not be any problem.

Mr. HELLER. Well, right now the issue that we have in the State of Nevada, it is in dire condition as most states are right now, very, very difficult for them. They just got out of a special session. I think they had to cut another billion dollars out of their budget and they are——

Mr. MORAN. They are telling you they want to just keep all the money. Okay. So it is not quite so much the Federal Government as the fact that the state wants to keep all of it, but I understand what happened in terms of the accounting for the energy——

Mr. HELLER. I do support Senator Reid's amendment to the extenders bill and putting that provision back in.

Mr. MORAN. Mr. Simpson.

Mr. SIMPSON. Thanks for your testimony. I could not have said it better. What affects Idaho is the same thing that affects Nevada. Have you guys done any of the cooperative conservation agreements with BLM on sage grouse habitat there? Has your state been doing that, or regions of your state?

Mr. HELLER. We have, and we will continue to work with them. You know, the point of my testimony, as you are well aware, is that we continue to burn. When I was on the Resource Committee, we burn about the State of Rhode Island every year, and that is a lot of sage grouse habitat, and what grows back is not sagebrush, it is the cheek grass. And so yes, there are a lot of agreements and working with cooperative agreements with the Federal Government trying to figure out how to keep this cheek grass—maybe working with the cattle ranchers and the sheep ranchers in the area so that we can eliminate this cheek grass so we can get the sage to grow back, but it is these wildfires that are causing the concerns and the problems.

Mr. SIMPSON. And it is important to point out when we did talk to BLM and the Fish and Wildlife Service that contrary to some people's popular belief, it is not grazing that causes the decrease in the sage grouse habitat, it is, as you mentioned, invasive species and the wildfires that are causing the decrease in the habitat.

Mr. HELLER. Correct.

Mr. MORAN. Thank you, Mr. Heller.

Mr. HELLER. Thank you very much.

[The following is written testimony submitted by Congressman Silvestre Reyes:]

**Testimony of Congressman Silvestre Reyes  
Before the Committee on Appropriations, Subcommittee on  
Interior, Environment and Related Agencies  
Wednesday, March 25, 2010**

Thank you, Chairman Moran and Members of the Committee, for allowing me to testify today in strong support of a federal program that has proven critical to the development of water infrastructure projects in my Congressional district of El Paso, Texas and along the entire U.S.-Mexico border. I respectfully request that my entire written testimony be included as part of the record.

I am proud of the fact that over the past ten years, El Paso and the surrounding region have gone from serious annual water rationing to having sufficient, safe drinking water both for the present and the foreseeable future. El Paso has been well-served by the El Paso Water Utilities (EPWU), the largest water utility on the border, and its General Manager, Mr. Ed Archuleta. Your committee has been extremely instrumental in helping reverse a water supply crisis in our region and has assisted with many projects in the El Paso area including the:

- Construction of a \$75 million drinking water treatment plant to allow El Paso to meet the Environmental Protection Act (EPA) arsenic rule deadline and expand the use of river water;
- Construction of a \$87 million desalination plant with a capacity of 27.5 million gallons a day (MGD) to use an abundant but previously unused ground water resource on a year-round basis; and
- Reclaimed water and conservation programs that have increased the capacity of the system by over 50 percent.

I sincerely appreciate this committee's previous assistance which has led to the betterment of the City of El Paso and the region as a whole. These projects were funded with a combination of BEIF, state, local, and other funding sources. However, without the BEIF seed money, it would not have been possible to initiate and complete these projects. You should also know that these projects were essential to reversing the rapid depletion of the two fresh water aquifers that supply drinking water to the City of El Paso, Ciudad Juarez in Mexico, and the surrounding areas. If this trend had not been reversed, our primary, year-round drinking water supply would have been substantially depleted.

For this reason, I am a steadfast supporter of increasing the BEIF appropriation to a minimum of \$50 million. For every federal dollar invested through the BEIF, two dollars can be leveraged from other sources to implement infrastructure projects. In just 12 years, EPA's U.S.-Mexico Border Program has been able to successfully implement \$1.6 billion worth in projects for the benefit of 7.2 million residents along our southern border.

These investments have led to overall decreased exposure to untreated and inadequately treated wastewater at home sites, along streets and canals or in U.S.-Mexico shared water resources, and there has been an increase in capacity to treat 350 million gallons per day, which is equivalent to the wastewater discharges of approximately 8 million persons (more than 50% of the border region population).

Along with these tangible accomplishments to improve the quality of life for border residents, the EPA, in coordination with its program partners – the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADB) – has implemented strategies to achieve a more effective and efficient use of program resources, including the modifications necessary to address all of the recommendations of the March 2008 audit report by EPA’s Office of Inspector General (OIG). With the current program structure and established management controls, unused funding allocations can be expected to be maintained at levels which show that basic infrastructure needs are in the process of being met and minimize concerns for stagnant funds.

During the most recent project prioritization cycle, BECC received 219 applications for funds, totaling an investment need of more than \$1.1 billion. BECC and NADB, in close coordination with the EPA, continue to work with communities to advance projects selected to receive BEIF money and are working to build a pipeline of construction-ready projects. There are 53 projects currently under development, with a projected construction value of approximately \$275 million. Of these projects, 26 will be construction-ready in FY2011 and will need BEIF funding to create an affordable financing package for construction. Without this critical funding resource, these projects’ feasibility will be jeopardized, and border residents in these communities will have to wait for critical environmental and public health needs caused by a lack of proper water and wastewater infrastructure to be adequately addressed.

Continued insufficient funding levels will result in a growing backlog of infrastructure projects, thus allowing conditions to deteriorate in many communities. I am respectfully requesting that the subcommittee fund BEIF at a level of \$50 million in order to move forward on projects that will be construction ready during FY2011.

As I mentioned earlier, BEIF has proven an important first source of investment in several projects that have allowed the El Paso region to begin exploring new sources of water. The desalination plant has become a critical component in El Paso’s diversified water portfolio, which has helped reduce the city’s reliance on the finite fresh water of the Hueco Bolson. Desalination is also a drought-proof resource that helps El Paso avoid water restrictions in years of river drought. In addition, the wells for the desalination plant intercept brackish water that flows toward fresh water wells. This prevents the degradation of water quality in the region.

This year, I am requesting \$4.4 million on behalf of EPWU to install a solar photovoltaic (PV) system at the desalination plant. According to National Weather Service data, the El Paso area experiences over 300 sunny days per year and receives 88.2% of possible sunshine. Considering the rich solar resources of the area, this renewable energy project will help reduce the increasing energy cost to produce potable water, reduce the carbon footprint of the plant and the City of El Paso, as well as help meet the City of El Paso’s goal to transition 20% of its energy use to renewable resources by 2020.

I am also requesting \$5 million on behalf of the Texas AgriLife Research Center at Texas A&M University for an assessment of United States–Mexico transboundary aquifers. This program will initiate and conduct scientific research to systematically assess priority transboundary

aquifers, to provide a scientific foundation for state and local officials to address pressing water resource challenges in the U.S.-Mexico border region. This project will develop bi-national groundwater information essential for water resource agencies, managers and water users that depend on these border aquifers. The new data and models will be applied to evaluate and analyze strategies to protect water quality and enhance supplies. Collaborators include New Mexico State University, Texas Agricultural Research, University of Arizona, the U.S. Geological Survey, El Paso Water Utilities, the International Boundary and Water Commission, the Texas Water Development Board and other state agencies and CONAGUA, Mexico.

Lastly, I am asking on behalf of the University of Texas at El Paso (UTEP) for \$5 million in FY2011 for the Southwest Consortium for Environmental Research and Policy (SCERP). SCERP is a consortium of five universities (UTEP, Arizona State University, New Mexico State University, San Diego State University, and the University of Utah) that partners with five Mexican universities to address environmental problems of the US-Mexico border region through research, outreach, education and policy activities. The consortium has been funded by Congress every year since 1991 (except 2007) and is administered by a cooperative agreement with EPA. The consortium researches ways to address the environmental problems that threaten the health, safety, and well-being of more than 15 million people living along the U.S.-Mexico border. All SCERP activities involve university students, thereby enabling them to better serve their communities.

Again, thank you for giving me the opportunity to testify on behalf of my community in support of these important projects and for your consideration of my requests in the FY2010 Interior, Environment and Related Agencies appropriations bill.

Thank you.

Mr. MORAN. Our next witness will be Gordon Felt, who is the president of Families of Flight 93. Mr. Felt.

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THURSDAY, MARCH 25, 2010.

**FAMILIES OF FLIGHT 93**

**WITNESS**

**GORDON FELT**

Mr. FELT. Chairman Moran, Ranking Member Simpson, my name is Gordon Felt and I am the president of the Families of Flight 93. The Families is a nonprofit organization dedicated to honoring our loved ones' actions including those of my brother, Edward Porter Felt, that prevented an attack on our Nation's capital at the cost of their lives.

Attending this hearing with me today are two family members, our vice president, Patrick White, and our treasurer, Deborah Borza. Deborah's daughter, Deora Bodley, and Patrick's cousin, Louis J. Nacke II, were two other heroes onboard Flight 93.

I appreciate the honor to appear before you today to provide the subcommittee with a progress report on the Flight 93 National Memorial as well as to request the subcommittee's continued support in providing funding for the Memorial. However, before I begin, I want to voice my sincere appreciation to former Chairman Dicks for all he has done on behalf of the families of Flight 93 and our memorial.

To keep the promise that this Nation and Congress made to appropriately honor the heroes' memories, it is critical that the first phase of the Flight 93 National Memorial be dedicated by the 10th anniversary of September 11th. Almost immediately following the crash of Flight 93, local officials and volunteers created a temporary memorial on a hilltop overlooking the crash site. Since September 11, 2001, more than 1 million visitors have come to this temporary memorial driven by a desire to ensure the valiant efforts of the passengers and crew of Flight 93 were never forgotten.

Senator Arlen Specter and the late Congressman John Murtha introduced legislation establishing the Flight 93 National Memorial. In 2002, Congress passed and the President signed the Flight 93 National Memorial Act which established the creation of the Flight 93 National Memorial. The memorial will serve to honor the courage and enduring sacrifice of the 40 heroes of Flight 93. It will be a place for individuals to learn about the events of September 11th and to find meaning and inspiration from their experience.

The Flight 93 National Memorial's general management plan proposes to construct a memorial, visitors center, roads, parking facilities and associated infrastructure to accommodate approximately 250,000 annual visitors. The effort is expected to create nearly 1,200 new jobs in Somerset County, Pennsylvania, and the surrounding region including 670 positions in construction and related fields over a 4-year period. The balance would be permanent employment resulting from increased tourism and related businesses. The boundaries of the Memorial are approximately 2,200

acres including 1,000 acres that will be privately held but protected through easements or partnership agreements.

The design for the Memorial was announced on September 9, 2005, amid overwhelming support from the families of Flight 93 and our partner organizations including the Flight 93 Memorial Task Force, the Flight 93 Federal Advisory Commission, the National Park Service and the National Park Foundation. A solemn groundbreaking ceremony was held on November 7, 2009, and a construction contract for phase 1 was awarded, and on February 1, 2010, a construction motion-to-proceed order was issued by the National Park Service.

The budget estimate for the design and construction of the Memorial's first phase is \$58.4 million. A cost estimate was prepared to reflect 2010 construction dollars anticipated to be the midpoint of construction. The budget, phasing plan and strategy to deal with increased costs of construction were presented to the National Park Service development advisory board in March 2008 and were approved.

Securing the funds for the design and construction of the Memorial is a public-private partnership between the Federal Government, the Commonwealth of Pennsylvania and the American people. Under the partnership agreement, the Federal Government is responsible for providing \$18.4 million, and the Commonwealth of Pennsylvania would provide \$10 million and private donors would be responsible for raising \$30 million. More than 57,000 donors have raised over \$17 million for the Memorial, and we are on target to reach our \$30 million goal. The Commonwealth of Pennsylvania has exceeded its original commitment of \$10 million, providing approximately \$18.5 million to the project. Since fiscal year 2005, Congress has appropriated \$10.371 million toward the design and construction of the Memorial from the Department of the Interior and Department of Transportation funding bills. The bipartisan support by the House and Senate to ensure the necessary funds are available to complete the Memorial's first phase by the 10th anniversary of September 11th is truly appreciated.

For 2011, the Families of Flight 93 have requested \$3 million in funding from Interior, Environment, and Related Agencies bill for the Memorial's phase 1-B water and sewage infrastructure as provided by the project's general management plan. I ask you and your committee for their individual attention and collective support for this funding request.

Before I conclude my remarks, I would like to bring to the subcommittee's attention the Families of Flight 93's concern regarding the recently enacted Republican Conference rule change on earmarks and its impact on our ability to request federal funding for the Memorial's completion. The Memorial is a congressionally authorized project whose federal funding in the past has been provided through congressionally directed spending, primarily sponsored by Congressman Bill Shuster. With Congressman Shuster now unable to request funding for the Memorial, valid questions have been raised about whether the Federal Government's financial commitment to the Memorial will be realized. Mr. Chairman, the Families of Flight 93 have submitted the appropriations application to your office. We respectfully request that you personally



support our efforts this year to ensure the needed funds are secured. Thank you.

[The statement of Gordon Felt follows:]



# In Memory of Our Heroes

Christian Adams  
Lorraine G. Bay, Crew  
Todd Beamer  
Alan Beaven  
Mark Bingham  
Deora Bodley  
Sandra W. Bradshaw, Crew  
Marion Britton  
Thomas E. Burnett, Jr.  
William Cashman  
Georgine Rose Corrigan  
Patricia Cushing  
Jason Dahl, Capt.  
Joseph Deluca  
Patrick Driscoll  
Edward Porter Felt  
James H. Gier  
Colleen L. Fraser  
Andrew Garcia  
Jeremy Glick  
Lauren Grandcolas  
Wanda A. Green, Crew  
Donald F. Greene  
Linda Gronlund  
Richard Guadagno  
Leroy Homer, Jr., First Officer  
Toshiya Kuge  
CecCee Lyles, Crew  
Hilda Martin  
Waleska Martinez  
Nicole Miller  
Louis J. Nackle, II  
Donald A. Peterson  
Jean Hoadley Peterson  
Mark Rothenberg  
Christine Snyder  
John Taligand  
Honor Elizabeth Wainio  
Deborah Ann Jacobs Welsh, Crew  
Kristin Gould White

## flight 93

### STATEMENT OF GORDON FELT, PRESIDENT, FAMILIES OF FLIGHT 93 BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS SUBCOMMITTEE

Chairman Moran, Ranking Member Simpson, and Members of the Subcommittee:

My name is Gordon Felt and I am the President of the Families of Flight 93. The Families is a non-profit organization comprised of family members of the passengers and crew of United Flight 93. We are dedicated to honoring our loved ones' actions – including those of my brother Edward Porter Felt – that prevented an attack on our nation's capital at the cost of their lives.

Attending this hearing with me today are two other Families of Flight 93 members: our Vice President, Patrick White and our Treasurer, Deborah Borza. Deborah's daughter, Deora Bodley, and Patrick's cousin, Louis J. Nackle II, were two other heroes on board Flight 93.

On behalf of our Board of Directors, we appreciate the opportunity to appear before you today to provide the Subcommittee with a progress report on the Flight 93 National Memorial, as well as to request the Subcommittee's continued support in providing funding for the Memorial. However, before I begin, I want to voice my sincere appreciation and thanks to Chairman Dicks for all he has done on behalf of the Families of Flight 93 and the Memorial.

While I am quite sure you are all well aware and appreciative of the heroic efforts taken by our loved ones on September 11<sup>th</sup>, I would like to remind you that Flight 93 was only 20 minutes from our nation's capital when the passengers and crew of the plane rushed the cockpit and overpowered the hijackers.

To keep the promise that this nation and Congress made to appropriately honor the heroes' memories, it is critical that the first phase of the Flight 93 National Memorial be dedicated by the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>.

Almost immediately following the crash of Flight 93, visitors began arriving in Somerset County in rural Pennsylvania to see the place where the journey of Flight 93 tragically ended. Local officials and volunteers created a temporary memorial on a hilltop overlooking the crash site. Since September 11, 2001, more than one million visitors have

come to this temporary Memorial and over 250,000 people from around the country and the world are expected to visit the permanent Memorial each year when its subsequent phases are completed.

Driven by a desire to ensure that the valiant efforts of the passengers and crew of Flight 93 were never forgotten, Senator Arlen Specter and the late Congressman John Murtha introduced legislation establishing the Flight 93 National Memorial. In 2002, Congress passed and the President signed the Flight 93 National Memorial Act (P.L. 107-226), which established the creation of the Flight 93 National Memorial "to commemorate the passengers and crew of United Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's capital." The Memorial will serve to honor the courage and enduring sacrifice of the 40 heroes of Flight 93. It will be a place for individuals to learn about the events of September 11<sup>th</sup> and to find meaning and inspiration from their experience.

The Flight 93 National Memorial's General Management Plan proposes to construct a Memorial, visitors' center, roads, parking facilities, and associated infrastructure to accommodate approximately 250,000 annual visitors. The effort is expected to create nearly 1,200 new jobs in Somerset County, Pennsylvania, and the surrounding region, including 670 positions in construction and related fields over a four-year period. The balance would be permanent employment ting from increased tourism and related businesses.

The boundaries of the Memorial are approximately 2,200 acres including 1,000 acres that will be privately held, but protected through easements or partnership agreements. In 2009, Secretary Salazar announced that the federal government had reached agreements with the landowners for all the properties needed for the construction of the Memorial's first phase. Without Secretary Salazar's personal involvement and commitment to securing these lands, it is highly unlikely the negotiated acquisition of these critical lands would have ever occurred. For that, the Families of Flight 93 is forever grateful.

The design for the Memorial was announced on September 9, 2005, amid overwhelming support from the Families of Flight 93 and our partner organizations, including the Flight 93 Memorial Task Force, the Flight 93 Federal Advisory Commission, the National Park Service, and the National Park Foundation.

In September 2004, a two-stage International Design Competition was launched, providing design professionals, as well as the general public, an opportunity to present design concepts for a permanent memorial. The competition received more than 1,000 entries from around the world, including narrative and graphic descriptions for the Flight 93 National Memorial. The Memorial design was selected by the 15-member Stage II Jury comprised of design professionals, local community leaders, and family members. The selected design was created by Paul Murdoch Architects of Los Angeles, California – a firm known for its environmental design sensitivity – in collaboration with Nelson Byrd Woltz Landscape architects of Charlottesville, Virginia.

Significant progress was made in 2009 to assure the timely completion of the permanent Memorial such that a solemn groundbreaking ceremony was held on November 7, 2009, and a construction contract for Phase 1 was awarded. And on February 1, 2010, a construction motion to proceed order was issued by the National Park Service.

The budget estimate for the design and construction of the Memorial's first phase is \$58.4 million. A cost estimate was prepared to reflect 2010 construction dollars, anticipated to be the mid-point of construction. The budget, phasing plan and strategy to deal with increased costs of construction were presented to the National Park Service Development Advisory Board (DAB) in March 2008 and were approved.

The construction's phasing plan was developed to:

- First, protect the most important features of the Flight 93 National Memorial – the Sacred Ground, where the final resting place of the heroes is located, and the Field of Honor – and develop the primary features of the Memorial, including visitor access near the Sacred Ground;
- Second, provide a place for understanding, education, and meaningful civic dialogue regarding Flight 93 and September 11th in a facility that protects visitors from the harsh, cold and windy Somerset County winter; and
- Third, provide for direct access off Route U.S. 30, known as the Lincoln Highway, thereby protecting the small surrounding communities near the Memorial, at their request.

Securing the funds for the design and construction of the Memorial is a public/private partnership between the federal government, the Commonwealth of Pennsylvania, and the American people. Under the partnership agreement, the federal government is responsible for providing \$18.4 million and the Commonwealth of Pennsylvania would provide \$10 million. Private donors would be responsible for raising \$30 million.

More than 57,000 donors – both large and small, from across the nation and around the world – have raised over \$17 million for the Memorial and we are on target to reach our \$30 million goal. The Commonwealth of Pennsylvania has exceeded its original commitment of \$10 million, providing approximately \$18.5 million to the project. Since Fiscal Year (FY) 2005, Congress has appropriated \$10,371,000 toward the design and construction of the Memorial from the Department of the Interior and Department of Transportation funding bills. The bipartisan support provided by the House and Senate to ensure that the necessary federal funds are available to complete the Memorial's first phase by the 10<sup>th</sup> Anniversary of September 11<sup>th</sup> is truly appreciated.

For FY 2011, the Families of Flight 93 have requested \$3 million in funding from the Interior, Environment, and Related Agencies bill for the Memorial's Phase 1B water and sewage infrastructure needs as provided by the Project's General

Management Plan. I ask you and your committee for their individual attention to, and collective support for, this funding request.

Mr. Chairman, the Flight 93 National Memorial is truly a “national” memorial for all democracy-loving citizens of the world to commemorate and reflect on the tragic events of September 11<sup>th</sup>, as well as to recognize the valiant efforts of the 40 heroes of Flight 93, who undoubtedly saved one of the two most recognized symbols of democracy in the world – the White House or the “People’s House,” the U.S. Capitol.

Before I conclude my remarks, I would like to bring to the Subcommittee's attention the Families of Flight 93's concern regarding the recently enacted Republican Conference rule change on earmarks and its impact on our ability to request federal funding for the Memorial's completion. The Memorial is a congressionally authorized project whose federal funding in the past has been provided through congressionally directed spending, primarily sponsored by Congressman Bill Shuster. With Congressman Shuster now unable to request funding for the Memorial, valid questions have been raised about whether the federal government's financial commitment to the Memorial will be realized. Mr. Chairman, the Families of Flight 93 have submitted an appropriations application to your office. We respectfully request that you finally support our efforts this year to ensure that the needed funds are secured.

In closing, we thank you all again, for the opportunity to speak before you today. I look forward to answering any questions, Mr. Chairman, you or the other members of the Subcommittee, may have.

Mr. MORAN. Well, thank you very much. It was very good testimony, but the last paragraph was the more important. I was trying to figure out what it was that you particularly wanted. I can see that. It is an earmark. I happen to agree with you in terms of earmarks. I think they are a proper reflection of Congressional intent individually and collectively, and they served our country for better than 200 years they have been in effect. But perhaps we would like to hear from Mr. Simpson at this point.

Mr. SIMPSON. I agree with you.

Mr. MORAN. Okay.

Mr. FELT. Mr. Chair, if I may, we look at the Memorial as a legislated memorial. I mean, it was enacted. So we like to look at the funding not necessarily as an earmark.

Mr. SIMPSON. You are right. It ought to be a program.

Mr. FELT. Exactly.

Mr. SIMPSON. And I think the committee will be very supportive of it, is my guess.

Mr. FELT. Well, we certainly appreciate your support.

Mr. MORAN. The only problem—and I agree with Mr. Simpson, but the issue is that normally it needs an authorization, and we are going to have to figure out how to do this. I also would like to build it into the budget but there is a reason why Mr. Shuster had to specifically designate it each time. So we are going to have to work with the staff and do the best we can. I do not think there is much disagreement over the objective but the process of getting there we will just have to try to figure out.

Mr. SIMPSON. Also, Mr. Chairman, the Administration has said that if—this is their attack on earmarks. Of course, no Administration likes earmarks. They do not like Congress telling them how to spend money. But they have said that if something starts as an earmark, then they will not request it in their budget next year, you are going to have to continue it on by earmarks, so they do not request those kind of things that were started with earmarks, which is a problem. But that does not mean that this committee cannot direct what things are funded and are not funded whether you want to call them earmarks or anything else. I agree with your testimony. We need to get this done.

Mr. MORAN. It is the right thing to do. It is also 1,200 jobs in an area that is desperately in need of jobs, and there are some sustainable jobs. I know people will be working at the Memorial. So we get what you are telling us, both Mr. Simpson and I, and we are just going to have to work with the staff to see what we can do.

Mr. FELT. Well, we greatly appreciate your leadership and your continued support. Thank you.

Mr. SIMPSON. Thank you.

Mr. MORAN. The next witness will be Gary Werner, who is the executive director of the Partnership for the National Trails System.

THURSDAY, MARCH 25, 2010.

**PARTNERSHIP FOR NATIONAL TRAILS SYSTEM****WITNESS****GARY WERNER**

Mr. WERNER. Good morning, Mr. Chairman and Mr. Simpson. I thank you for the opportunity to testify this morning. I am Gary Werner, here from Wisconsin representing the 30 nonprofit organizations with over 75,000 members throughout the country who are your partners in helping to sustain the 19 national historic trails and 11 national scenic trails that Congress has authorized to thank you for the support that you have given over the last decade or so of consistent funding for the trails. As you know, these 30 national scenic and historic trails span more than 50,000 miles through 49 of the 50 states. I am happy to say and remind you that our commitment as true partners remains firm.

In 2009, we inspired and organized over 907,000 hours of volunteer labor contributed by citizens valued at about \$18.6 million and contributed another \$11.9 million of direct financial assistance, about \$30.5 million to these trails. Congress, you appropriated in 2010 about \$29 million to the National Park Service, the Forest Service and the Bureau of Land Management to sustain the trails. We continue to be your good partners.

What I do want to say, however, is that there is a lot of work yet to do. There are miles to build on these trails. There are invasive species to remove. There are sites to interpret, so we are asking you to increase funding to the three agencies in 2011, specifically about \$16.5 million to the National Park Service for the 23 trails that it administers, about \$8 million to the Bureau of Land Management for the three trails it administers and the 10 trails that it manages significant portions of, and about \$11.3 million to the Forest Service for six trails that it administers and the 16 trails that it manages in part throughout the country.

We are also asking you to appropriate \$1.5 million of funding for a special youth stewardship or internship development program which would fund 50 student interns to work with national scenic, historic and recreation trail organizations throughout the country to help get more young people engaged and involved with the trails.

There are also significant gaps in most of the scenic trails and there are many important sites on the historic trails yet to be protected, so we enthusiastically support the Administration's goal of ultimately getting to the full \$900 million annual funding authorized for the Land and Water Conservation Fund and to that end we ask you to appropriate \$425 million in 2011 for federal program projects, \$175 million to the states for the various projects that they can do and \$150 million to the companion Forest Legacy program, and then specifically from the federal portion of land and water, to appropriate to the National Park Service \$13.9 million for projects along the Ice Age, North Country and Appalachian national scenic trails, \$5.3 million to the Bureau of Land Management for projects along the Oregon Trail in Idaho and in Oregon, the Lewis and Clark National Historic Trail, the Pacific Crest, Con-

tinental Divide and Pacific Northwest national scenic trails and to the Forest Service \$41.7 million for projects along the Florida, Pacific Crest national scenic trails, Old Spanish National Historic Trail, Appalachian Trail and the North Country Trail, and also \$3.375 million from the Forest Legacy Program for Continental Divide in New Mexico, and parenthetically, as you know, I guess those are all considered earmarks, but again, like the previous, these are federal programs and this is the way you direct the money to be spent.

Mr. SIMPSON. No earmarks, just congressionally directed spending.

Mr. WERNER. Great. That is what we want.

Secondly, last year at our request you directed the Bureau of Land Management to provide a sub-activity account for trails in the National Landscape Conservation System. We understand that the Office of Management and Budget told the Bureau not to follow your direction. This leaves the Bureau at a significant disadvantage in working with the Park Service and the Forest Service on these trails that cross various jurisdictional boundaries. So we ask you to once again direct the Bureau to provide a sub-activity account for the national scenic and historic trails and the wild and scenic rivers in their National Landscape Conservation System to be commensurate with the wilderness areas and the monuments.

Lastly, the Challenge Cost Share programs were eliminated for the Park Service, the Bureau of Land Management and Fish and Wildlife Service. These are the programs that specifically are meant to foster the kind of volunteerism that I reported on and we ask you to please reinstate those programs. I think they are a total of \$19 million across the three agencies and specifically we would ask for \$4.5 million for the Park Service, and as you have in the past 15 years, direct the Park Service to provide one-third of that for the national trail system.

I thank you for the opportunity to testify.

[The statement of Gary Werner follows:]





## Partnership for the National Trails System

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GARY WERNER, EXECUTIVE DIRECTOR  
STATEMENT TO THE

March 25, 2010

### U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT & RELATED AGENCIES

Mr. Chairman and members of the subcommittee:

The Partnership for the National Trails System appreciates your support over the past 16 years, through operations funding and dedicated Challenge Cost Share funds, for the national scenic and historic trails administered by the National Park Service. We also appreciate your increased allocation of funds to support the trails administered and managed by the Forest Service and for the trails in the Bureau of Land Management's National Landscape Conservation System. To continue the progress that you have fostered, the Partnership requests that you provide annual operations funding for each of the 30 national scenic and historic trails for Fiscal Year 2011 through these appropriations:

- **National Park Service:** \$16.584 million for administration of 23 trails and for coordination of the long-distance trails program by the Washington office. Construction: \$265,000 for the Ice Age, \$120,000 for the Continental Divide, and \$200,000 for the Pacific Crest Trails.
- **USDA Forest Service:** \$10.195 million to administer 6 trails and \$1.1 million to manage parts of 16 trails administered by the NPS or BLM.
- **Bureau of Land Management:** to coordinate its National Trails System Program: \$250,000; to administer these trails: Iditarod Trail: \$1 million, the Camino Real de Tierra Adentro Trail: \$230,000, the Old Spanish Trail: \$350,000 and to manage portions of 10 trails administered by the Park Service or the Forest Service: \$3,088 million; \$3,140,000 for operating five National Historic Trail interpretive centers; Construction: \$267,500 for the Continental Divide and \$300,000 for the Pacific Crest Trails.
- We ask that you appropriate \$4.5 million for the National Park Service Challenge Cost Share Program and continue to direct one-third (\$1,500,000) for national scenic and historic trails or create a separate \$1.5 million National Trails System Challenge Cost Share Program.
- We ask that you add \$500,000 to the Bureau of Land Management's Challenge Cost Share Program and allocate it for the national scenic and historic trails it administers or manages.
- We ask that you appropriate \$1.5 million to the National Park Service Conservation and Outdoor Recreation office to support employment of 50 Student Interns to work for a year with individual scenic, historic, and recreation trails of the National Trails System.

We ask that you appropriate from the Land and Water Conservation Fund for land acquisition:

- to the Forest Service: \$13.66 million for the Pacific Crest Trail, \$5.427 million for the Florida Trail; \$4 million for the Old Spanish Trail; \$13.899 million for the Appalachian Trail, and \$4.8 million for the North Country Trail;
- to the Bureau of Land Management: for the Oregon Trail in Oregon - \$1.5 million and in Idaho - \$400,000, \$1 million for the Lewis & Clark Trail in Montana, \$1.5 million for the Pacific Crest Trail in Oregon, \$712,000 for the Continental Divide Trail, and \$250,000 for the Pacific Northwest Trail in Washington;
- to the Park Service: \$10.469 million to grant to the State of Wisconsin to match state funds for the Ice Age Trail and \$2 million to grant to 7 states for the North Country Trail; \$1.505 million for the Appalachian Trail.

We also ask that you appropriate from the Forest Service Forest Legacy program \$3.375 million to protect the Vallecitos High Country in New Mexico along the Continental Divide Trail.

#### National Park Service

We request **\$1.5 million** to fund a pilot program of **"Youth Outreach Development Internships"** in the National Trails system. This funding would support employment of **50 Student Interns** to work for a year with individual national scenic, historic, and recreation trail organizations to help younger people become aware of these trails and take part in the stewardship activities of the nonprofit organizations that sustain them. This funding will be shared with the Bureau of Land Management and the Forest Service. We support the Administration's requested **\$957,000** for the **Connect Trails to Parks** project to enhance the public's understanding of the National Trails System and its relationship to the National Park System.

The **\$16.584 million** we request for **Park Service operations** includes increases for some of the trails to continue the progress and new initiatives made possible by the additional funding Congress provided over the past six years. We support the Administration's requested funding for the new **Star Spangled Banner** and **Washington-Rochambeau National Historic Trails** and we request **\$300,000** for the Park Service to implement planning and administration for the **New England National Scenic Trail**.

We request an increase of **\$640,000** to expand Park Service efforts to protect cultural landscapes at more than 200 sites along the **Santa Fe Trail**, to develop GIS mapping, and to fund public educational outreach programs of the Santa Fe Trail Association. An increase of **\$763,000** for the **Trail of Tears** will enable the Park Service to work with the Trail of Tears Association to develop a GIS to map the Trail's historical and cultural heritage sites to protect them and to develop interpretation of them for visitors. We support the Administration's requested increases for the **Juan Bautista de Anza** and **Ala Kahakai Trails**. We request a further increase to **\$799,000** for the **Ala Kahakai Trail** to enable the Park Service to work with E Mau Na Ala Hele and other community organizations to care for resources on the land and with the University of Hawaii to conduct archaeological and cultural landscape studies along this trail.

We support the Administration's requested funding of **\$1,724,000** for the **Appalachian Trail** to expand the highly successful "Trail to Every Classroom" program of the Appalachian Trail Conservancy. The **\$1,364,000** we request for the **4,200 mile North Country Trail** will enable the Park Service to provide greater support for the regional GIS mapping, trail building, trail management, and training of volunteers led by the North Country Trail Association. This funding will also enable the Park Service to move the administrative office for the North Country Trail to Michigan for more efficient and effective collaboration with the North Country Trail Association. The **\$1,274,000** we request for the **Ice Age Trail** includes a **\$415,000** increase to enable the Park Service to develop and begin to implement an Interpretive Plan, to complete trail route planning, and to support stewardship by Ice Age Park & Trail Foundation staff and volunteers of lands acquired for the trail.

**Construction:** We request that you appropriate for trail and historic site construction projects **\$265,000** for the **Ice Age Trail**, **\$120,000** for the **Continental Divide Trail** and **\$200,000** for the **Pacific Crest Trail** in the national parks crossed by these two trails.

**Challenge Cost Share** programs are one of the most effective and efficient ways for Federal agencies to accomplish a wide array of projects for public benefit while also sustaining partnerships involving countless private citizens in doing public service work. The Partnership's member organizations were shocked by the Administration's elimination of these highly effective programs of the **Park Service, Bureau of Land Management, and Fish and Wildlife Service**. We request that you **restore all of them** and appropriate **\$4.5 million in Challenge Cost Share** funding to the **Park Service** for FY11 as a wise investment of public money that will generate public benefits many times greater than its sum. We ask you to **continue to direct one-third of the \$4.5 million** for the **national scenic and historic trails** to continue the steady progress toward making these trails fully available for public enjoyment. We suggest, as an alternative to the annual allocating of funds from the Regular Challenge Cost Share program, that you create a separate **National Trails System Challenge Cost Share** program with **\$1.5 million** funding.

#### USDA - Forest Service

As you have done for several years, we ask that you provide additional operations funding to the **Forest Service** for administering five national scenic trails and one national historic trail, and managing parts of 16 other trails. We ask you to appropriate **\$10.195 million as a separate budgetary item specifically for the Arizona, Continental Divide, Florida, Pacific Crest, and Pacific Northwest National Scenic Trails and the Nez Perce National Historic Trail** within an over-all appropriation for **Capital Improvements and Maintenance for Trails of \$136 million**. Full-time managers have been assigned for each of these trails by the Forest Service. Recognizing the on-the-ground management responsibility the Forest Service has for **838 miles** of the Appalachian Trail, more than **650 miles** of the North Country Trail, and sections of the Ice Age, Anza, Caminos Real de Tierra Adentro and de Tejas, Lewis & Clark, California, Iditarod, Mormon Pioneer, Old Spanish, Oregon, Overmountain Victory, Pony Express, Trail of Tears and Santa Fe Trails, we ask you to appropriate **\$1.1 million specifically for these trails**.

Work is underway, supported by funds you provided over the past nine years, to close several major gaps in the **Florida Trail**. In 2010 Florida Trail Association volunteers will build 2 bridges and 2000 feet of boardwalk. The Partnership's request of **\$10.195 million** above includes **\$1.75 million** to enable the Forest Service and FTA to maintain **1,323 miles** of trail and to control invasive species, do ecosystem restoration, and otherwise manage **4,625 acres** of new Florida Trail land.

The Partnership's request of **\$10.195 million** above also includes **\$2.275 million** to enable the Forest Service and the Continental Divide Trail Alliance to build or reconstruct **190 more miles** of the **Continental Divide Trail**. This will continue new CDT construction funded each year since FY98.

#### Bureau of Land Management

While the **Bureau of Land Management** has administrative authority only for the **Iditarod, El Camino Real de Tierra Adentro, and the Old Spanish National Historic Trails**, it has on-the-ground management responsibility for **641 miles** of five scenic trails and **3,115 miles** of eight historic trails administered by the National Park Service and U.S. Forest Service. The bureau recognized the significance of these trails by including them in the **National Landscape Conservation System** and, for the first time, in FY02, by providing funding for each of them. The Partnership applauds these decisions of the Bureau and encourages its staff to budget specific funding for each of these trails.

We ask you to provide at least **\$75 million as new permanent base funding** for the **National Landscape Conservation System** and that you appropriate as **new permanent base funding \$250,000 for National Trails System Program Coordination, \$1 million for the Iditarod Trail, \$230,000 for El Camino Real de Tierra Adentro Trail, \$350,000 for the Old Spanish Trail, and \$3,088,000 for management of the portions of the ten other trails under the care of the Bureau of Land Management**. We request **\$267,500** for construction of new sections of the **Continental Divide Trail, \$300,000** for maintenance of the **Pacific Crest Trail; and \$3,140,000 to operate five historic trails interpretive centers**.

We ask you to **restore** the Bureau's **Challenge Cost Share** program and to add **\$500,000** directed for projects for the National Trails System as you have done for many years with the Park Service's Challenge Cost Share program.

To promote greater management transparency and accountability for the National Trails and the whole **National Landscape Conservation System**, we urge you to request expenditure and accomplishment reports for each of the NLCS Units for FY10 and to direct the Bureau to include unit-level allocations by **major sub-activities** for each of the scenic and historic trails, and wild and scenic rivers -- as the Bureau has done for the monuments and conservation areas -- within a **new activity** account for the National Landscape Conservation System in FY11. Existing accounts for Wilderness Areas and Wilderness Study Areas should also be included in this new National Landscape Conservation System activity account. The

Bureau's lack of a unified budget account for National Trails prevents the agency from efficiently planning, implementing, reporting, and taking advantage of cost-saving and leveraging partnerships and volunteer contributions for every activity related to these national resources.

#### **Land and Water Conservation Fund**

The Partnership requests that you appropriate **\$425 million for Federal land acquisition and \$175 million for grants to the States from the Land and Water Conservation Fund** and that you make the specific appropriations for national scenic and historic trails detailed at the beginning of this statement and below.

**FOREST SERVICE:** The **\$13.66 million** we request for the **Pacific Crest Trail** will continue to support the acquisition underway by the **Forest Service** Lands Team and the **Park Service** National Trail Land Resources Program Center, protecting 12 miles of PCT in Washington and taking 34 miles off of roads in southern California. The **\$5.427 million** requested for the **Florida Trail** will continue another successful collaboration between these two agencies to protect 15 critical segments involving another 3 miles of the Trail. We request **\$4 million** to protect a stretch of the **Old Spanish Trail** in the Carson National Forest, **\$13.899 million** to protect sections of the **Appalachian Trail** in the Chattahoochee, Cherokee, Jefferson, and Nantahala National Forests and **\$4.8 million** to buy land for the **North Country Trail** in the Hiawatha and Ottawa National Forests.

**BUREAU of LAND MANAGEMENT:** We request **\$1.5 million** for the Cascade Siskiyou National Monument that will also preserve sections of the **Pacific Crest Trail** in Oregon, **\$1 million** for the Chain-of-Lakes in Montana to preserve a stretch of the **Lewis & Clark Trail**, **\$250,000** to purchase land for the **Pacific Northwest Trail** in Washington, **\$1.5 million** to purchase land along the Big Sandy River in Oregon for the **Oregon Trail**, **\$400,000** to protect a section of the **Oregon Trail** in Idaho, and **\$712,000** for the **Continental Divide Trails**.

**PARK SERVICE:** The National Trails System Act encourages states to assist in the conservation of the resources and development of the national scenic and historic trails. Since FY2000 **Wisconsin** has matched \$12.3 million Federal LWCF funding with \$21.8 million to help conserve the resources of the **Ice Age National Scenic Trail** by purchasing 51 parcels totaling 7727 acres. Another 40 parcels are under negotiation, appraisal or option to purchase. The requested **\$10.469 Million** Land and Water Conservation Fund grant to **Wisconsin** will continue this very successful Federal/State/local partnership for protecting land for the **Ice Age Trail**. We also request **\$2 million** to provide similar grants to the seven states along its route to close gaps in the **North Country Trail** and **\$1.505 million** for the **Park Service** to acquire parcels in Pennsylvania and Vermont for the **Appalachian Trail**.

#### **Private Sector Support for the National Trails System**

**Public-spirited partnerships between private citizens and public agencies have been a hallmark of the National Trails System since its inception.** These partnerships create the enduring strength of the Trails System and the trail communities that sustain it by combining the local, grass-roots energy and responsiveness of volunteers with the responsible continuity of public agencies. **They also provide private financial support for public projects, often resulting in a greater than equal match of funds.**

The private trail organizations' commitment to the success of these trail-sustaining partnerships grows even as Congress' support for the trails has grown. **In 2009 the trail organizations fostered 907,380 hours – an increase of 9% over 2008 – of documented volunteer labor valued at \$18,601,295 to help sustain the national scenic and historic trails.** The organizations also raised **private sector contributions of \$11,908,248** to benefit the trails.

Mr. MORAN. You have got a lot to ask there.

Mr. WERNER. Yes, I know.

Mr. MORAN. But we are very sympathetic. Let me just ask one thing. When you clear these trails, one of the problems is that the first thing to grow back is poison ivy. I mean, if an area is not disturbed you do not get the poison ivy, but as soon as you disturb it you get the poison ivy and some trails just get overwhelmed with those poison ivy. Have you figured out how to—I mean, it sounds like a strange thing but it does discourage people if they think that the trail is just full of poison ivy. Have you thought about how you are going to address that?

Mr. WERNER. Actually, yes, and it is not just poison ivy. I mean, in some areas of the country, it is poison ivy, it is poison oak. In the Midwest where I am from, we have wild parsnip, which have an equally bad effect. And we are actively working to control those invasive and noxious species like that, but again, one of the reasons we are asking for more money is, we need more assistance to do that. We need to recruit more volunteers, and there is no substitute for actually going out and doing something on the ground.

Mr. MORAN. We are very sympathetic. We like trails.

Mr. WERNER. Thank you.

Mr. MORAN. They are an opportunity. They do not do any damage to the environment and they are an opportunity for people to enjoy that environment. The more trails, the better, as far as I am concerned, so we will do what we can.

Mr. WERNER. And they are a tremendous opportunity to get young people out and involved.

Mr. MORAN. In physical exercise.

Mr. WERNER. This is a report that we put together of a lot of the kinds of projects that we have underway along the trails.

Mr. MORAN. Now, where did you say you were going to put the Mike Simpson Memorial Trail in Idaho?

Mr. SIMPSON. Blackwood.

Mr. WERNER. There are several that go through Idaho.

Mr. MORAN. Mr. Hinchey.

Mr. HINCHEY. Well, thanks very much, and sorry I did not get here for the beginning of your statement but I very much appreciate what you are doing. I understand how important it is, and I also understand how a lot of these issues have not been paid appropriate attention to for a long time and so there are a lot of things that are pending there. One of the things that we are having in New York, just curiously, is a lot of closing of state parks and there are a lot of state parks in New York. The issues there are that the Federal Government has provided a substantial amount of money for those parks and we are trying to keep them open on a number of bases including the contribution of the Federal Government to those state parks. So I just appreciate what you are doing and I understand how important it is, and I am sure that this committee will do everything it can to strengthen things up.

Mr. WERNER. Thank you.

Mr. SIMPSON. Just one quick question.

Mr. MORAN. Sure.

Mr. SIMPSON. The recommendation that they put a separate line item for trails, was that in report language?

Mr. WERNER. Yes. If you can put it into bill language, I understand it makes it much stronger.

Mr. SIMPSON. Sometimes that is a better way to get your point across.

Mr. WERNER. And I just need to emphasize what you all have mentioned. It has been the efforts of your committee in adding money to what the agencies have requested over the years that has enabled us to increase the work that we are doing for the trails so we cannot thank you enough for that and encourage you to keep doing it. Thank you.

Mr. MORAN. Thank you very much, Mr. Werner.

Mr. Arthur Cerullo, who is the speaker for the American Lung Association Nationwide Assembly.

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THURSDAY, MARCH 25, 2010.

# **AMERICAN LUNG ASSOCIATION NATIONWIDE ASSEMBLY**

## **WITNESS**

### **ARTHUR CERULLO**

Mr. CERULLO. Chairman Moran, Ranking Member Simpson, Mr. Hinchey, I am Arthur Cerullo, the speaker of the American Lung Association Nationwide Assembly. I am honored to testify in support of the Environmental Protection Agency's program to improve the Nation's air. I have been a volunteer for the American Lung Association for more than 20 years. I am an attorney in private practice in Portland, Maine, and prior to that I was a chemical engineer for a number of years.

The American Lung Association was founded in 1904 to fight tuberculosis and today our mission is to save lives by improving lung health and preventing lung disease. We welcome the increases in the President's budget for EPA for Healthier Outdoor Air to \$811.3 million and for Healthier Indoor Air to \$47.1 million. Cleaner, healthier air will protect the public and especially those with lung disease from air pollution. As a former engineer, I know that aggressive implementation and enforcement of the Clean Air Act will drive innovation and improve our Nation's environmental performance while at the same time grow the economy. We urge this committee to ensure that the Clean Air Act's promise of clean, healthy air for all Americans is kept.

I am from Maine, and if you have ever visited our beautiful state, you know why we treasure the outdoors: majestic mountains, crystal lakes, bracing coastal waters. Our summers are short, however, and we hate to miss a single chance to be outdoors but too often we miss our clear blue sky because of smog. Acadia National Park, one of the most beautiful parks in the country, is plagued by poor air quality much of the summer. Too often, smog from both local and distant sources obscures the view of the first light of day in the United States at the top of Cadillac Mountain. Unhealthy, polluted air robs of us the ability to enjoy the outdoors for fear of wheezing, an asthma attack or even death.

In my written statement, I detail the magnitude of lung disease in the United States, the enormity of the Nation's air pollution problem and delineate specific support for sections of EPA's budget. In brief, more than 35 million Americans suffer from chronic lung disease and air pollution exacerbates nearly all lung diseases. The Clean Air Act has proven to be a powerful tool to improve the quality of our Nation's air. Since 1990, when Congress strengthened the Clean Air Act, air pollution has been cut significantly. However, much remains to be done. Millions of Americans live in counties that have dangerously unhealthy air.

I will briefly highlight some of the key programs that we support. First, the health-based National Ambient Air Quality Standards are the cornerstone of the Clean Air Act. They set the health goals and drive the pollution cleanup. We applaud EPA's renewed commitment and urge the committee to support EPA's work to complete the reviews of these standards in a timely manner based in the science and in compliance with the law.

Second, we strongly support EPA's clean air research programs that help provide the sound science to inform these decisions.

Third, EPA must also complete major rulemaking to reduce pollution. EPA must complete the rules to clean up power plants, known as the Clean Air Interstate Rule and Utility Maximum Achievable Control Technology Rule to reduce hazardous air pollution.

Fourth, we support EPA's efforts to further reduce tailpipe emissions from cars and trucks known as tier 3. These rules are needed to mitigate any adverse air quality impacts that may result from increased use of renewable fuels and could include tighter particulate and nitrogen oxide standards as well as lower sulfur gasoline to enable advanced control pollution technology.

Fifth, we strongly support increased funding for those on the front lines in the efforts to improve air quality, our state and local air agencies.

We would like to highlight the President's request for a \$15 million increase for air pollution monitoring, which will help improve the understanding of the levels and sources of pollution in our communities. Funding monitors must be a high priority for the committee.

Finally, cleaning up the existing fleet of diesel vehicles is vital. Diesel pollution kills. Research shows increased health risks associated with living or working in close proximity to busy roadways. Children are especially vulnerable. We urge the committee to increase the diesel retrofit funding to at least \$100 million.

Further, we thank the committee for its support of the Healthier Indoor Air program at EPA. EPA has provided great leadership in addressing radon, the second leading cause of lung cancer. We also are pleased to support increased funding for the Healthy Schools Initiative. The Indoor Air program raises awareness about asthma and reduce children's exposure to indoor asthma triggers. The American Lung Association is proud to partner with EPA in this important work.

Mr. Chairman, thank you for the opportunity to present the recommendations of the American Lung Association. Every day we are fighting for air, clean, healthy air for all Americans to breathe. Our

robust Environmental Protection Agency air pollution program is vital to that success and our success.  
[The statement of Arthur Cerullo follows:]



**Statement of Arthur Cerullo**  
**Speaker, American Lung Association Nationwide Assembly**  
**before the U.S. House of Representatives Committee on Appropriations,**  
**Subcommittee on Interior, Environment, and Related Agencies**  
**Fiscal Year 2011**  
**U.S. Environmental Protection Agency**  
**March 25, 2010**

**Summary: Funding Recommendations (Dollars in Millions)**

<b>US Environmental Protection Agency</b>	
<b>Healthier Outdoor Air</b>	<b>\$811.3</b>
• <b>Federal Stationary Source Regulation</b>	<b>\$34.9</b>
• <b>Federal Support of Air Quality Management</b>	<b>\$142.3</b>
• <b>Clean Air Allowance Trading Program</b>	<b>\$31.1</b>
• <b>Federal Vehicle and Fuels Standards</b>	<b>\$100.7</b>
• <b>State and Local Air Quality Management (STAG)</b>	<b>\$309.1</b>
o <b>Air Monitoring</b>	<b>\$15</b>
• <b>Diesel Emission Reductions (STAG)</b>	<b>\$100</b>
<b>Human Health Risk Assessment</b>	<b>\$48.9</b>
<b>Healthier Indoor Air</b>	<b>\$47.1</b>
<b>Research: Clean Air</b>	<b>\$85.3</b>

Mr. Chairman, members of the Committee, I am Arthur Cerullo, the Speaker of the American Lung Association Nationwide Assembly. I am honored to testify in support of the Environmental Protection Agency's program to improve the nation's air. I have been a volunteer for the American Lung Association for more than twenty years. I am an attorney in private practice in Portland, Maine and prior to law school, I was a chemical process engineer for seven years. The American Lung Association was founded in 1904 to fight tuberculosis and today, our mission is **to save lives by improving lung health and preventing lung disease**. We accomplish this through research, advocacy and education. Today, I would like to discuss with you our support for EPA's FY2011 budget for its Clean Air Program. This program will improve public health and more effectively protect those with lung disease from the adverse effects of air pollution. As Congress addresses global warming and energy issues through exciting new technology, cleaner energy sources and new policies, there is an opportunity to ensure that the air is cleaner. We urge this committee to ensure that the Clean Air Act's promise of clean, healthy air for all Americans is kept.

**Lung Disease and Air Quality**

Lung disease is a significant health problem in the United States. Lung disease is the third leading cause of death in the United States - responsible for one in every six deaths. More than 35 million Americans suffer from a chronic lung disease. According to the National Institutes of Health, lung diseases cost the U.S. economy an estimated \$173.4 billion annually. Nearly all lung diseases are impacted by air pollution. How well or poorly our lungs perform depends on the quality of the air we breathe, making the impact of air pollution inescapable. Air pollution

remains a primary contributor to the burden of respiratory diseases in our healthcare system as well.

The Clean Air Act has proven to be a powerful tool to improve the quality of our nation's air. Since 1990, when Congress strengthened the Clean Air Act, the annual average emissions of sulfur dioxide nationwide have dropped by 59 percent, nitrogen oxide emissions have been reduced by 35 percent and carbon monoxide has plunged by 68 percent. Ambient or outdoor ozone levels are 14 percent lower on average. Fine particle levels are down by 19 percent. However, much remains to be done. Millions of Americans live in counties that do not meet current Clean Air Act health standards, including those in the Washington DC metropolitan area. The EPA estimates that 126.8 million Americans in 2008 lived in areas where they were exposed to unsafe levels of air pollution.

**We are pleased to see that the President's budget increases the EPA budget for Healthier Outdoor Air to \$811.3 million and for Healthier Indoor Air to \$47.1 million. These increases will help the EPA address the significant health and environmental impact of air pollution.**

#### **Setting National Ambient Air Quality Standards**

The Clean Air Act requires EPA to review the National Ambient Air Quality Standards for ozone, particulate matter, sulfur dioxide, nitrogen oxide, carbon monoxide and lead every five years. We are pleased to see EPA address this obligation in a timelier manner. Historically, EPA has not met the deadlines for these reviews and has been obligated to complete such reviews under court order. Last year, the U.S. Court of Appeals ruled that the EPA needed to reconsider the scientific evidence for much stronger particulate matter standards, sending their 2006 standards back to EPA for corrective action. We are pleased that EPA is on track to propose a new fine particle standard in November 2010 and issue a final standard in July 2011. In 2008, EPA set national air standards for ozone that ignored the unanimous agreement among the independent scientific advisory committee on the need for much more protective new standards, despite the Clean Air Act's clear requirements to establish science-based standards that protect public health. We are especially pleased that EPA has proposed a much stronger ozone standard, reflecting that earlier scientific assessment. EPA is expected to finalize the ozone standard in August. It is critical that the committee support setting National Ambient Air Quality Standards at levels that are appropriate for the protection of public health. **To accomplish the important air standards work, we support EPA's budget request of \$48.9 million to support the Human Health Risk Assessment and we strongly support funding for Federal Stationary Source Regulations at \$34.9 million that includes work to set the standards.**

#### **Meeting National Air Pollution Health Standards**

Efforts to clean up power plants and other measures to implement pollution cleanup are finally moving forward, but much work remains. EPA is working on new rules to implement the ozone standards and PM standards. EPA also must move forward with regulations to clean up power plants including the Clean Air Interstate Rule replacement and a MACT (Maximum Achievable Control Technology) rule for electric generators, as well as additional rules to regulate other large emission sources—tools that our communities must have to meet the national air standards. EPA must also support state and tribal efforts to meet the National Ambient Air Quality

Standards. **We support funding Federal Stationary Source Regulations at \$34.9 million, the Clean Air Allowance Trading program budget of \$31.1 million and Federal Support for Air Quality Management budget of \$142.3 million.**

#### **Cleaning up cars and trucks**

EPA has continued to make progress reducing pollution from motor vehicles. However, light duty cars and trucks remain a significant source of air pollution. We strongly support EPA's planned work in FY 2011 on Tier 3 standards that could include tighter NOx standards, off-cycle standards and PM standards for gasoline vehicles as well as lower sulfur gasoline that will enable advanced pollution control technology. This work is vital to mitigate any adverse air quality impacts that may result from increased use of renewable fuels. **We strongly support increasing the Federal Vehicle and Fuel Standards and Certification budget to \$100.7 million.**

#### **Funding for State and Local Air Agencies and Air Pollution Monitoring**

State and local air pollution control agencies are on the front lines in the effort to improve air quality across the nation. These agencies will be called on to adopt and enforce a range of new emissions reduction programs designed to meet the needs of each area that violate the standards. State and local air pollution agencies need additional resources to meet the obligation to implement the Clean Air Act. One area in need of significant resources and attention from this committee is the air pollution monitoring network. Monitors provide the most reliable and consistent information on air pollution in our communities. Monitoring tracks both the levels of pollution in the outside air as well as emissions from specific sources. This also enables policymakers and the public to see what measures are effective and where air quality management efforts have fallen short. Further, emerging science warns that the air quality in areas with no monitoring carries serious health risks, like the areas adjacent to major highways or in poorer neighborhoods. We are pleased to see EPA deploy new monitors in response to the new nitrogen dioxide standards. Without adequate monitors in place, pollution in those areas will not be tracked and effectively reduced. To protect populations at risk and to assess the efficacy of pollution control programs, EPA must work with scientists and state officials to lower the costs of monitoring and expand its reach. **We are pleased that the President's Budget includes \$15 million for enhancing air pollution monitoring. Further, we strongly support the \$82.5 million increase to \$309.1 million for State and Local Air Quality Management.**

#### **Funding for Diesel Retrofits**

Diesel pollution kills. Researchers have found that adults and children show increased health risks associated with living or working in close proximity to busy roadways. Children are especially vulnerable to the effects of traffic-related air pollution. Studies show children exposed to higher levels of traffic generated air pollution have smaller lung function and worsened asthma. In addition, many components of diesel emissions have been found to be carcinogenic. Over the past decade, EPA has issued new regulations that will significantly reduce emissions from new diesel engines used in trucks, buses, heavy equipment and other vehicles. Last year, EPA issued new rules to clean up pollution from ocean going vessels. Ocean going vessels are a significant source of particle pollution. We urge the committee to support EPA's efforts to combat this pollution through the International Maritime Organization. However, it will take many years to replace the oldest and dirtiest vehicles with new ones that meet new, more

stringent federal emissions standards for diesel engines. **We support increasing funding to at least \$100 million per year for FY 2011 for the Diesel Emission Reduction Act program.**

#### **Indoor Air**

We thank the committee for its support of the healthier indoor air program at EPA. EPA has provided great leadership in addressing radon, the second leading cause of lung cancer. EPA should continue its work to mitigate this risk. We are pleased to see EPA increase funding for the Healthy Schools Initiative. More than 23 million Americans suffer from asthma. Air pollution can trigger asthma attacks both indoors and outdoors. The programs funded by the Indoor Air program raise awareness about asthma and environmental factors that trigger asthma attacks; help people with asthma and their families manage environmental triggers in their homes; work to reduce children's exposure to indoor asthma triggers at schools and day care centers and promote environmental management as a component of medical and health care asthma management practices. The American Lung Association is proud to partner with EPA in this important work. **We strongly urge the committee to fund the healthier indoor air program for FY 2011 at \$47 million. We are also pleased to support the Clean, Green and Healthy Schools Initiative funded at \$6.2 million for FY 2011.**

#### **Research: Clean Air**

We thank the committee for its continuing support for air pollution research at EPA. EPA's work to establish National Ambient Air Quality Standards must be grounded in the best scientific research. EPA's Clean Air Research program will continue the work to improve the understanding of the impact of pollution on health and assist with crafting innovative solutions. **We urge the committee to fund the clean air research program for FY 2011 at \$85.3 million.**

Mr. Chairman, thank you for the opportunity to present the recommendations of the American Lung Association. Every day we are fighting for air – clean, healthy air for all Americans to breathe. A robust Environmental Protection Agency air pollution program is vital to our success.

Mr. MORAN. Good for you. Good, solid testimony. You got it in, in the 5 minutes. Unless there are some critical questions that are asked, we probably have to move along, but I do not want to preclude you.

Mr. HINCHEY. Just briefly.

Mr. MORAN. Go ahead.

Mr. HINCHEY. I just want to express, as the chairman did, my appreciation of what you said and how important it is. I mean, there is a whole lung situation that really needs to be dealt with more and more effectively, and as time goes on, it is getting worse and worse because of all the other activities going on.

I wonder if there has been any focus of attention on this frac drilling circumstance and the potential for contaminating air quality in that regard?

Mr. CERULLO. I cannot say offhand I have any information about that but certainly we will get back to you in the next day or two. I will ask some of our experts back at the office. I mean, our neck of the woods, radon is the real problem for us and because we are at the end of the tailpipe where we are from, these changes are what we need to implement as soon as possible. But I will get back to you on that issue. Anything else?

Mr. MORAN. No. Thank you very much for your testimony.

Mike Garner and Bradley "Butch" Lambert. Mr. Garner, you are the chief of the Abandoned Mine Land Section of the Maryland Bureau of Mines, and Deputy Director, Virginia Department of Mines and Minerals and Energy is Mr. Lambert. And you are here on behalf of Interstate Mining Compact Commission, so please proceed.

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THURSDAY, MARCH 25, 2010.

## INTERSTATE MINING COMPACT COMMISSION

### WITNESSES

**MIKE GARNER**

**BRADLEY LAMBERT**

Mr. LAMBERT. Good morning, Mr. Chairman and members. Thank you for this opportunity to appear before you this morning. Again, my name is Butch Lambert. I am the deputy director for the Virginia Department of Mines, Minerals and Energy. I am appearing today on behalf of the Interstate Mining Compact Commission to present the views of the Compact member states concerning the fiscal year 2011 budget request of the Office of Surface Mining.

In its proposed budget, OSM is requesting \$60.3 million to fund Title V grants to states and Indian tribes for the implementation of the regulatory programs which will be a reduction of \$11 million, or 15 percent for the fiscal year 2011 enacted level. Last year, Congress appropriated an additional \$5.8 million to increase for state Title V grants over the fiscal year 2009 enacted level for a total of \$71.3 million. For the first time in many years, the amount appropriated for these regulatory grants aligned with the demonstrated needs for the states and tribes and thereby eliminated the ever-widening gap between what the states request and what they receive. In fiscal year 2011, OSM has unilaterally and drastically re-

versed course and essentially unraveled and undermined the progress made by Congress in supporting state programs. This comes at precisely the wrong time. The states are in the process of putting the recent improvements in funding to work in the programs for the filling of vacant positions and the purchase of much-needed equipment. We trust the recent increases approved by Congress will remain the new base on which we build our programs into the future. This is particularly important as the state agencies work hard to convince our state legislators and our budget officers to support the regulatory programs through matching state funds, particularly given the difficult fiscal climate the states are facing.

In this regard, it should be kept in mind that a 15 percent cut in the federal funding translates to a 30 percent cut for the overall program funding for many states since these states can only match what they receive in federal money. For instance, in Virginia, should OSM's reductions prevail, we would be looking at a \$1.2 million cut to our state program. OSM's solution to drastic cuts to state regulatory programs comes in the way of an unrealistic assumption that the states can simply increase user fees in an effort to reduce the level of federal funding required to regulate and to an extent subsidize the coal industry. OSM's proposal is completely out of touch the realities associated with establishing or enhancing user fees. IMCC's recent polling of its member states confirmed it would be difficult, if not impossible, for most states to accomplish this feat, let alone in less than 1 year. We strongly urge the subcommittee to reject this approach and approve not less than \$71 million for the state in Title V regulatory grants.

At this time I will ask that my colleague, Mike Garner, talk about the Title IV funding.

Mr. MORAN. Mr. Garner.

Mr. GARNER. Thank you, Mr. Chairman, for allowing me to testify. I am here representing the 30 state and tribal members of the National Association of Abandoned Mine Land Programs that operate abandoned mine land programs authorized under Title IV SMCRA. Based on SMCRA fee collections, the fiscal year 2011 mandatory appropriation for state and tribal AML grants should be \$413.2 million. Instead, the Office of Surface Mining is only budgeted \$259.5 million. This would eliminate funding to states and tribes that have been successful and able to certify completion of their highest-priority coal reclamation sites.

From the beginning of SMCRA in 1977 to the latest amendments in 2006, Congress has promised that at least half of the money generated from fees collected within state or tribal boundaries, referred to as state share, would be returned for the uses described in the Act. For certified states, the state share funds can be used for environmental stewardship, cleaning up abandoned coal and hardrock mines, sustainable development, infrastructure improvements and alternative energy projects all stimulating the economy, protecting public health and safety, creating green jobs and improving the environment, many of the goals described in the American Recovery and Reinvestment Act. Breaking the promise of state share funding will upset 10 years of negotiation that resulted in the balance and compromise achieved in the 2006 amendments. We

therefore respectfully ask the committee to continue funding for certified states.

The proposed budget would also eliminate \$20 million for federal AML emergency program. Section 410 of the emergency powers was unchanged in the 2006 amendments and requires OSM to fund the emergency AML program, and likewise, the Act does not allow states and tribes to fund the emergency program. Instead, it requires strict compliance with the non-emergency funding priorities. OSM has not developed legislation, regulations, procedures, directives nor has OSM received a solicitor's opinion regarding the legality of this transfer. For these reasons and many others, we urge the committee to restore the \$20 million for the AML emergency program. Thank you, sir.

[The information follows:]

**Statement of Bradley C. Lambert**  
**Deputy Director, Virginia Department of Mines, Minerals and Energy on behalf of the**  
**Interstate Mining Compact Commission**  
**FY 2011 Proposed Budget for the Office of Surface Mining before the House Interior,**  
**Environment and Related Agencies Appropriations Subcommittee**

My name is Bradley C. Lambert and I am Deputy Director of the Virginia Department of Mines, Minerals and Energy. I am appearing before the Subcommittee today on behalf of the Interstate Mining Compact Commission (IMCC) to present the views of the Compact's member states concerning the Fiscal Year (FY) 2011 Budget Request for the Office of Surface Mining Reclamation and Enforcement (OSM) within the U.S. Department of the Interior. In its proposed budget, OSM is requesting \$60.3 million to fund Title V grants to states and Indian tribes for the implementation of their regulatory programs, a reduction of \$11 million or 15% below the FY 2010 enacted level. OSM also proposes to cut discretionary spending for the Title IV abandoned mine land (AML) program by approximately \$174 million, including the elimination of funding for the emergency program and a proposal to eliminate all AML funding for certified states and tribes. Our statement will address each of these proposals.

The Compact is comprised of 24 states that together produce some 95% of the Nation's coal as well as important noncoal minerals. The Compact's purposes are to advance the protection and restoration of land, water and other resources affected by mining through the encouragement of programs in each of the party states that will achieve comparable results in protecting, conserving and improving the usefulness of natural resources and to assist in achieving and maintaining an efficient, productive and economically viable mining industry.

OSM has projected an amount of \$60.3 million for Title V grants to states and tribes in FY 2011, an amount which is matched by the states each year. These grants support the implementation of state and tribal regulatory programs under the Surface Mining Control and Reclamation Act (SMCRA) and as such are essential to the full and effective operation of those programs. In Fiscal Year 2010, Congress approved an additional \$5.8 million increase for state Title V grants over the FY 2009 enacted level, for a total of \$71.3 million. For the first time in many years, the amount appropriated for these regulatory grants aligned with the demonstrated needs of the states and tribes. The states are greatly encouraged by the significant increases in Title V funding approved by Congress over the past three fiscal years. Even with mandated rescissions and the allocations for tribal primacy programs, the states saw a \$12 million increase for our regulatory programs over FY 2007 levels. As we noted in our statement on last year's budget, state Title V grants had been stagnant for over 12 years and the gap between the states' requests and what they received was widening. This debilitating trend was compounding the problems caused by inflation and uncontrollable costs, thus undermining our efforts to realize needed program improvements and enhancements and jeopardizing our efforts to minimize the potential adverse impacts of coal extraction operations on people and the environment.

In its FY 2011 budget, OSM has unilaterally and drastically reversed course and essentially unraveled and undermined the progress made by Congress in supporting state programs with adequate funding. This comes at precisely the wrong time. The states are still in the process of putting the recent improvements in funding to work in their programs through the



filling of vacant positions and the purchase of much needed equipment. As states prepare their future budgets, we trust that the recent increases approved by Congress will remain the new base on which we build our programs. Otherwise we find ourselves backpedaling and creating a situation where those who were just hired face layoffs and purchases are canceled or delayed.

The states continue to face significant cost increases in their programs due to inflation, especially increased fuel and equipment costs. Health insurance premiums and cost of living adjustments are also significant factors in the annual operation of state programs, especially with personnel expenses representing some 80 percent of total program costs. A new challenge has come in the form of retirements, where states are faced with buy-outs, paying for unused annual leave, and replacing an aging work force. These are substantial, often unanticipated, costs that are wreaking havoc on state budgets.

It is essential that we maintain consistent, inflation-adjusted funding from year to year in order to deploy resources for our programs. This is especially true with regard to hiring new staff to fill vacancies or to supplement under-staffed areas of the programs. We cannot afford to invest money in these positions and then face potential layoffs the next year because funding is not maintained. As it is, state agencies are continually faced with making the case to state legislatures and budget officers to support their regulatory programs through matching state funds, particularly given the difficult fiscal climate facing the states. A clear message from Congress that reliable, consistent funding will continue into the future will do much to stimulate support for these programs. In this regard, it should be kept in mind that a 15% cut in federal funding translates to a 30% cut for overall program funding for many states, especially those without federal lands, since these states can only match what they receive in federal money.

OSM's solution to the drastic cuts for state regulatory programs comes in the way of an unrealistic assumption that the states can simply increase user fees in an effort to "reduce the level of federal funding required to regulate, and to an extent subsidize, the coal industry." No specifics on how the states are to accomplish this far-reaching proposal are set forth, other than an "encouragement" to do so in the course of a single fiscal year. Aside from the debate about whether the coal industry is truly being "subsidized" and how the adoption of user fees impacts the working relationship between the regulator and the regulated, OSM's proposal is completely out of touch (some would say "out of line") with the realities associated with establishing or enhancing user fees. IMCC's recent polling of its member states confirmed that, given the current fiscal and political implications of such an initiative, it will be difficult, if not impossible, for most states to accomplish this feat at all, let alone in less than one year. OSM is well aware of this, and yet, without input from or consultation with the states and tribes, has pushed forward with a proposal that was poorly conceived from its inception. We strongly urge the Subcommittee to reject this approach and mandate that OSM work through the complexities associated with any future user fees proposal in close cooperation with the states and tribes.

With regard to funding for state regulatory grants in FY 2011, there continues to be no disagreement about the need demonstrated by the states. In fact, in OSM's budget justification document, the agency states that: "the states have the unique capabilities and knowledge to regulate the lands within their borders. Providing up to a 50-percent match of Federal funds to primacy States in the form of A & E grants results in the highest benefit and the lowest cost to

the Federal government. If a state were to relinquish primacy, OSM would have to hire sufficient numbers and types of Federal employees to implement the program. The cost to the Federal government would be significantly higher.” (Page 60 of OSM’s Budget Justification) For all the above reasons, we urge the Subcommittee to approve not less than \$71 million for state and tribal Title V regulatory grants, as fully documented in the states’ and tribes’ estimates for actual program operating costs.<sup>1</sup>

With regard to funding for state Title IV Abandoned Mine Land (AML) program grants, Congressional action in 2006 to reauthorize Title IV of SMCRA has significantly changed the method by which state reclamation grants are funded. Beginning with FY 2008, state Title IV grants are funded primarily by permanent appropriations. As a result, the states should have received a total of \$413.2 million in FY 2011. Instead, OSM has budgeted an amount of \$259.5 million based on an ill-conceived proposal to eliminate mandatory AML funding to states and tribes that have been certified as completing their abandoned coal reclamation programs. This \$153.7 million reduction flies in the face of the comprehensive restructuring of the AML program that was passed by Congress in 2006, following over 10 years of Congressional debate and hard fought compromise among the affected parties. While we have not seen the details of the proposal, which will require adjustments to SMCRA, it will clearly undermine the delicate balance of interests and objectives achieved by the 2006 amendments. It is also inconsistent with many of the goals and objectives set forth in the recent jobs bill and the American Recovery and Reinvestment Act. We urge the Subcommittee to reject this unjustified proposal, delete it from the budget and restore the full mandatory funding amount of \$413.2 million.

We also urge the Subcommittee to approve continued funding for the AML emergency program. In a continuing effort to ignore congressional direction, OSM’s budget would completely eliminate funding for state-run emergency programs and also for federal emergency projects (in those states that do not administer their own emergency programs). When combined with the great uncertainty about the availability of remaining carryover funds, it appears that the program has been decimated.

Funding the OSM emergency program should be a top priority for OSM’s discretionary spending. This funding has allowed the states and OSM to address the unanticipated AML emergencies that inevitably occur each year. In states that have federally-operated emergency programs, the state AML programs are not structured or staffed to move quickly to address these dangers and safeguard the coalfield citizens whose lives and property are threatened by these unforeseen and often debilitating events. And for minimum program states, emergency funding is critical to preserve the limited resources available to them under the current funding formula.

Section 410 of SMCRA establishes an emergency reclamation procedure for AML sites that pose a “sudden danger with a high probability of substantial physical harm to the health,

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<sup>1</sup> Funding for state Title V grants will become increasingly important as OSM moves forward with a recent initiative to adjust federal oversight of state programs pursuant to the June 11 Memorandum of Understanding (MOU) between the Interior Department, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers. Several action items under this initiative have significant resource implications for the states in the way of follow up to increased federal inspections, data collection and analysis, and state responses to the reflexive use of Ten-Day Notices.

safety or general welfare of people before it can be abated under normal program operation procedures". The funding for the emergency program is separate from the state and tribal non-emergency AML grant funding since it comes from the Secretary's "discretionary share". Section 402(g)(1)(C) specifically requires that the non-emergency state share be used only for annual reclamation project construction and administration costs. The non-emergency federal share allocated to the states in Section 402(g)(5) is used to supplement the state share received under 402(g)(1) until the priorities set forth in Section 403(a)(1) and (2) are met. Emergencies do not fall under Section 403, but are provided for only in Section 410.

While there were several significant changes to the AML program under SMCRA as a result of the 2006 Amendments, there were absolutely no changes to the emergency program under Section 410 of the Act. In fact, significant funding increases were approved by Congress that would allow the states to address long overdue reclamation problems including landslides, contaminated drinking water, refuse piles, dangerous highwalls, mine fires, and exposed mine portals. Diverting these monies to the emergency program, as mandated under OSM's proposed budget, would impede the progress the states are now making to address AML problems that have been awaiting funding for years. In this regard, new section 402(g)(1)(D)(2) requires that the Secretary ensure "strict compliance" by the states in their use of non-emergency grant funds for the priorities listed in section 403(a). For the states to do otherwise would require at the least a rulemaking by OSM, if not legislative adjustment. It would also reverse 30 years of official guidance and practice by OSM. We therefore request that the Subcommittee restore \$20 million for the AML emergency program in OSM's FY 2011 budget.

One of the more effective mechanisms for accomplishing AML restoration work is through leveraging or matching other grant programs, such as EPA's 319 program. Until FY 2009, language was always included in OSM's appropriation that encouraged the use of these types of matching funds, particularly for the purpose of environmental restoration related to treatment or abatement of acid mine drainage (AMD) from abandoned mines. This is a perennial, and often expensive, problem, especially in Appalachia. IMCC therefore requests the Subcommittee to once again include language in the FY 2011 appropriations bill that would allow the use of AML funds for any required non-Federal share of the cost of projects by the Federal government for AMD treatment or abatement.

We also ask the Subcommittee to support funding for OSM's training program, including monies for state travel. These programs are central to the effective implementation of state regulatory programs as they provide necessary training and continuing education for state agency personnel. IMCC also urges the Subcommittee to support funding for TIPS, a program that directly benefits states by providing critical technical assistance. In this regard, we also request that the Subcommittee restore the \$303,000 for these two programs that has been proposed for reduction. We also request that the Subcommittee direct OSM not to make any further adjustments to these programs in order to focus resources on other regulatory program activities related to the June 11 MOU, as suggested in OSM's budget justification document. Finally, we support funding for the Watershed Cooperative Agreements in the amount of \$1.55 million.

**Statement of Michael Garner**  
**President, National Association of Abandoned Mine Land Programs**  
**FY 2011 Proposed Budget for the Office of Surface Mining before the House**  
**Interior, Environmental and Related Agencies Appropriations Subcommittee**

My name is Michael Garner and I am Director of Maryland's Abandoned Mine Land Program. I also serve as President of the National Association of Abandoned Mine Land Programs (NAAML). The NAAML represents 30 States and Tribes with federally approved abandoned mine land reclamation (AML) programs authorized under Title IV of the Surface Mining Control and Reclamation Act (SMCRA). Title IV of SMCRA was amended in 2006 and significantly changed how state AML grants are funded. Beginning in FY 2008, state AML grants are funded primarily by mandatory appropriations. As a result, the states should receive \$413.2 million in FY 2011. Instead OSM has budgeted an amount of \$259.5 million for State AML grants, a reduction of \$153.7 million. The proposed spending cuts would eliminate funding to states and tribes that have "certified" completion of their highest priority coal reclamation sites. OSM has also proposed to \$20 million reduction in discretionary spending that would eliminate the federal emergency program under 410 of SMCRA. I appreciate the opportunity to testify and present this statement to the Subcommittee on issues related to the proposed FY 2011 budget for the Office of Surface Mining Reclamation and Enforcement (OSM).

SMCRA was passed in 1977 and set national regulatory and reclamation standards for coal mining. The Act also established a Reclamation Fund to work towards eliminating the innumerable health, safety and environmental problems that existed across the Nation from the mines that were abandoned prior to the Act. The Fund generates revenue through a fee on coal production. This fee is collected by OSM and distributed to states and tribes that have federally approved regulatory and AML programs. The promise Congress made in 1977, and with every subsequent amendment to the Act, was that, at a minimum, half the money generated from fees collected within the boundaries of a State or Tribe, referred to as "State Share", would be returned for uses described in the Act if the State or Tribe assumed responsibility for regulating coal mining according to SMCRA. If a state or tribe was successful in completing reclamation of abandoned coal mines and was able to "certify" according to Section 411, then the State Share funds could be used to address a myriad of other problems related to non-coal mining, public facilities, infrastructure, water supply and environmental cleanup. The 2006 amendments clarified the scope of what the State Share funds could be used for and reaffirmed the promise made by Congress in 1977. Currently, certified states and tribes are using the funds "with priority given for addressing the impacts of mineral development" as provided for in the Act. These include environmental stewardship, cleaning up abandoned coal and hardrock mines nationwide, creating green jobs, sustainable development, infrastructure improvements, and alternative energy projects. These funds stimulate economic activity in local communities by putting money to work on the ground in an expeditious manner, and protecting public health and safety – all the while improving the environment.

The reduction in certified state AML grants proposed by OSM not only breaks the promise of State Share funding, but will upset the balance and compromise that was achieved in the comprehensive restructuring of SMCRA accomplished in the 2006 amendments following over ten years of discussion and negotiation. The reduction in funding is also inconsistent with the goals set forth in the American Recovery and Reinvestment Act (ARRA). The certified state AML programs have been up and operating effectively and have been achieving many of the goals and objectives set forth in the ARRA for over 30 years. We therefore respectfully ask the Committee to continue the funding for certified states at the statutory authorized levels and turn back any efforts to amend SMCRA.

In addition to the \$153.7 million reduction, the proposed FY 2011 budget would also eliminate or redirect \$20 million annually from the federal AML emergency program. This would eliminate all funding for the emergency program and leave the states and tribes to rely on funds received through their non-emergency AML grant funds. This is contradictory to the 2006 amendments that require the states and tribes to maintain "strict compliance" with the non-emergency funding priorities described in Section 403(a), while leaving Section 410, Emergency Powers, unchanged.

Section 410 of SMCRA requires OSM to fund the emergency AML program using OSM's "discretionary share" under Section (402)(g)(3)(B), which is entirely separate from state and tribal non-emergency AML grant funding under Sections (402)(g)(1), (g)(2), and (g)(5). SMCRA does not allow states and tribes to administer or fund an AML emergency program from their non-emergency AML grants, although, since 1989, 15 states have agreed to implement the emergency program *on behalf of OSM contingent upon OSM providing full funding* for the work. By using the state's existing AML programs to abate the emergencies, OSM has been able to fulfill their mandated obligation more effectively and efficiently. There are 10 states and 3 tribes that continue to rely solely on OSM to operate the emergency program within their jurisdiction.

Emergencies are defined as "a sudden danger with a high probability of substantial physical harm to the health, safety and general welfare of people before they can be abated under normal program operation procedures" (OSM Directive AML-4). Regardless of whether a state AML Program or OSM operates the emergency program, OSM has always retained the authority to "declare" the emergency which clears the way for the expedited procedures to be implemented. The emergency declaration is done by making the findings described in Section 410 that "(1) an emergency exists constituting a danger to the public health, safety, or general welfare; and (2) no other person or agency will act expeditiously to restore, reclaim, abate, control, or prevent the adverse effects of coal mining practices." In FY 2009 OSM made 183 emergency declarations in Kentucky and Pennsylvania alone, states where OSM operates the emergency program. As part of these declarations, OSM has made the finding (183 times in 2009) that they are the only agency that can "act expeditiously to restore, reclaim, abate..." the emergency. And yet in FY 2011, OSM now asserts this is no longer the case. OSM has not developed legislation, regulations, procedures, directives or policies to transfer emergency powers to the states and tribes, nor has OSM received a solicitor's opinion regarding the legality of

this transfer. OSM's only guidance to the states has been that beginning in 2011 the agency "will no longer declare emergencies" which simply ignores the emergency situation and OSM's statutorily mandated obligation to address it. Simply denying that emergencies exist does nothing to protect the public or allow states and tribes to make progress towards certification.

If Congress allows the elimination of the emergency program, states and tribes will have to adjust to their new role by setting aside a large portion of their non-emergency AML grant funds so that they can be prepared for any emergency that may arise. Emergency projects come in all shapes and sizes, vary in number from year to year and range in cost from thousands of dollars to millions of dollars. This will result in funds being diverted from other high priority projects. It will also delay certification under Section 411 and increase the backlog of projects on the Abandoned Mine Land Inventory System (AMLIS). For minimum program states and states with small AML programs, large emergency projects will require the states to redirect all or most of their AML resources to address the emergency delaying other high-priority reclamation. In a worst-case scenario, a minimum program state would have to "save up" multiple years of appropriations to eliminate a costly emergency. Furthermore, by failing to fund the emergency program each year, OSM will be adding to the federal expense share, Section 402(g)(3), that resides in the AML Trust Fund. This share already stands at approximately \$420 million and will continue to grow by at least \$20 million per year if discretionary funds are not appropriated for the emergency program. One of the congressional objectives in restructuring the funding formula in the 2006 Amendments was to assure that AML fees collected annually are put to use on the ground where they can make a difference. What better way to accomplish this than to provide federal funding to address emergency reclamation work each year.

Finally, it should be kept in mind that eliminating \$20 million for emergency funding will ultimately reduce reclamation funding by over \$200 million for the life of the AML program. As previously stated, AML reclamation achieves many of the goals envisioned in the ARRA. For the reasons above, we urge the Committee to restore \$20 million for the AML emergency program in FY 2011.

Included in the mandatory funding mentioned above is supplemental funding for "minimum program" states. Under the funding formula contained in the 2006 amendments to SMCRA, all of the states are to receive sizeable funding increases except for minimum program states. We urge Congress to fund these states at the statutorily authorized level of "not less than \$3 million annually" in FY 2011 to allow these states to proceed with the critical AML projects awaiting funding. The current phase-in approach limits funding to \$2.25 million which greatly inhibits the ability of these states to accomplish much in the way of substantive AML work – especially given their inventory of remaining high priority problems and the looming possibility of emergency projects.

One of the more effective mechanisms for accomplishing AML restoration work is through leveraging or matching other grant programs, such as EPA's 319 program. Until FY 2009, language was always included in OSM's appropriation that encouraged

the use of these types of matching funds, particularly for the purpose of environmental restoration related to treatment or abatement of acid mine drainage (AMD) from abandoned mines. This is an ongoing, and often expensive, problem, especially in Appalachia. NAAMLPP therefore requests the Committee to once again include language in the FY 2011 appropriations bill that would allow the use of AML funds for any required non-Federal share of the cost of projects by the Federal government for AMD treatment or abatement.

We also urge the Committee to support funding for OSM's training program, including monies for student travel. These programs are central to the effective implementation of state regulatory programs as they provide necessary training and continuing education for state agency personnel. NAAMLPP also urges the Committee to support funding for TIPS, a program that directly benefits both the AML and Regulatory Programs in the states by providing critical technical assistance. In this regard, we also request that the Subcommittee restore the \$303,000 for these two programs that has been proposed for reduction. We also request that the Subcommittee direct OSM not to make any further adjustments to these programs in order to focus resources on other regulatory program activities related to the June 11 MOU, as suggested in OSM's budget justification document. Finally, we support funding for the Watershed Cooperative Agreements in the amount of \$1.55 million.

The FY 2011 budget is of great concern to the NAAMLPP membership for the reasons described above and because it is counter to the objectives of Title IV of the Act and disregards the intentions of Congress that have been made clear from 1977 to the most recent amendments in 2006. This OSM budget proposal was developed unilaterally and did not include any participation by the states and tribes who have historically worked jointly with OSM in the drive to protect the public safety and welfare since the inception of SMCRA over three decades ago.

Mr. MORAN. Thank you. Do you have anything to say, Mr. Simpson?

Mr. SIMPSON. No. We probably need to go on because you are running us behind.

Mr. HINCHEY. I think it is very clear. I appreciate it. Thank you.

Mr. MORAN. The mines that generated the revenue are not the ones necessarily that pay the fee, are they? I mean, excuse me, the mines that generated the abandoned mine situation are not the ones that pay the fee. There is a disconnect there.

Mr. LAMBERT. Correct.

Mr. MORAN. Thank you.

Maria Hinojosa and Gretchen Long, who are the commissioners of the National Parks Century Commission, nice to have you with us.

Mr. MORAN. Thank you.

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THURSDAY, MARCH 25, 2010.

## NATIONAL PARKS SECOND CENTURY COMMISSION

### WITNESSES

**MARIA HINOJOSA**

**GRETCHEN LONG**

Ms. HINOJOSA. Chairman, Ranking Member and Representative, it is good to be here. My name is Maria Hinojosa. Thank you for allowing Gretchen Long and myself to represent the National Parks Second Century Commission, an independent commission that last fall released our 21st century vision for our treasured national parks. Now, when I was first asked to be on this commission, I thought, why me? You know, I went to my first park, Yosemite, when I was about 26 years old. But then I thought wait a second, I am an American, I am an immigrant, I am a journalist, I am a mom. I know what these parks mean when people see this as a beacon, and serving on the Commission, we all understood that the parks should not only survive, they need to thrive.

You all know that going to a national park can change you. It strengthens education. It reduces the impact of climate change. It provides meaningful opportunities for our young people. When you leave a park, when you leave a site, whether it is Yosemite or the Statue of Liberty or the African burial ground, you as an American are changed.

But despite the tremendous power of the parks, our commission found that current funding is fundamentally inadequate. Our financial commitment to the parks matches neither their importance to society nor the enormous franchise they have with the American people. Our Commission came to greatly admire the bipartisan commitment that Congress and two Presidents have shown over the last 3 years to attack the operations funding shortfall of the national park system and we believe that adequate operations funding to be fundamental to the parks' success for the future. So we are hoping that the subcommittee will do as much as it can to continue the effort to increase funding for the National Park Service



by at least \$100 million over fixed cost inflation each year until the shortfall is eliminated. I see this as a park stimulus myself.

We know that in order to keep the parks thriving, we have to engage non-traditional park visitors and we have to provide strong educational programming. It is not enough to just make people feel equally at home in the parks, we really have to put our efforts out there to bring the parks up to our modern society. We know that if people do not visit these parks, if they do not feel committed to the parks, connected to the parks, they will not thrive. So we would like to see you spend a tremendous amount of money, or effort, rather, to keep those \$100 million coming to the parks, and let me just say that is a wonderful thing to have a park there but we do not want the tourists to say well, that was a really nice park but gee, it needed to be spruced up and why was that museum exhibit so retro. We can do better than that.

[The statement of Maria Hinojosa follows:]

**Testimony of Maria Hinojosa and Gretchen Long, Commissioners,  
National Parks Second Century Commission  
Before the  
House Subcommittee on Interior, Environment and Related Agencies  
Regarding Fiscal Year 2011 Appropriations  
March 25, 2010**

On behalf of the National Parks Second Century Commission, thank you for inviting us to testify regarding the budgetary needs of our national parks in FY 2011. We were privileged to be members of the National Parks Second Century Commission, an independent commission that was charged with developing a 21<sup>st</sup> century vision for our treasured national parks. The commission consisted of a diverse group of distinguished private citizens, including scientists, historians, conservationists, educators, businesspeople, and leaders with long experience in state and national government. Our yearlong concentration on the national park idea convinces us that our national parks can play a tremendously significant role in many issues of our day—strengthening education, reducing impact of climate change, providing meaningful opportunities for young people, supporting a healthier and interconnected citizenry, preserving extraordinary places that reflect our diverse national experience, and safeguarding our life-sustaining natural heritage on land and water.

Despite the great admiration the American people have for the National Park Service--the most popular agency in the federal government according to a number of surveys--current funding is fundamentally inadequate. Our financial commitment to the parks matches neither their importance to society nor the enormous franchise they have with the American people—something this subcommittee has come to understand as well as any entity in government. The commission came to admire greatly the bipartisan commitment Congress and two presidents have shown the last three years to attack the operations funding shortfall of the National Park System, and believes adequate operations funding to be fundamental to the Park Service's success in the future. The commission recommended that Congress "increase funding for the National Park Service by at least \$100 million over fixed-cost inflation each year until 2016, to eliminate the current operations shortfall."

The parks were in crisis a few short years ago, because they were not receiving funds to pay their annual operating bills, much less restore outdated interpretive media, protect resources and serve visitors. This subcommittee has led the way in reversing these trends—something the commission recognized and applauded. But that work has only just begun. Your good work can mark either the beginning of a renaissance in our national parks, or a mere oasis in a long-term fiscal desert. We strongly urge you to continue restoring critical operational funds for the parks, and continue your wise policy of fully funding fixed costs—something the administration's FY 11 budget request does not do. We are mindful of the fiscal challenges facing our nation and this subcommittee, but the owners of our parks will not be well served by

a budget that could eliminate as many as 1000 seasonal maintenance, protection, and visitor services rangers from our national parks next summer.

In the case of the national parks, being pennywise tends to be pound-foolish. This year's budget request reinforces the commission's view that the "hand-to-mouth" nature of the annual appropriations cycle makes it extremely difficult for the Park Service to plan, budget, and manage. It is what created an annual operating shortfall of \$580 million today, a \$9 billion maintenance backlog, and \$2 billion of un-acquired inholdings in our parks. As our commission colleague, Linda Bilmes, said, "If we intend to protect the national parks in perpetuity, basic finance tells us that we must fund them in perpetuity." We hope the subcommittee will encourage the Park Service to examine the potential for the creation of a tax-exempt endowment to augment annual funding, as we recommended.

As our commission colleague, Justice Sandra Day O'Connor, so eloquently argues, "There's no better route to civic understanding than visiting our national parks. They're who we are and where we've been." As Commissioner James McPherson explains, "You can read millions of words about the Civil War. Only standing on the battlefields will you really begin to understand it." Operational funds are critically important to harnessing the power of the parks to educate and inspire the next generation of American leaders. They are also critical to providing for the enjoyment of our national parks by all the people. As much as our nation values our parks, not all Americans feel equally at home in our parks. It's not enough to welcome non-traditional park visitors—recent immigrants, non-English speakers, single moms with their kids—when they show up. The National Park Service must find ways to invite new publics into the parks. Park Service outreach must be expressed in multiple languages and take advantages of multiple technologies, formats, and venues. Developing a deep, lasting, and effective commitment to diversity and inclusion requires patience, determination, unwavering leadership, time, and money. All commissioners became convinced that the long-term viability of the parks and the quality of life in surrounding communities increasingly depends on the Park Service building strong constituencies across the full spectrum of our population. This will only be possible if the Park Service has the resources, personnel, and training, to make it happen, including a diverse workforce that is equipped to serve and secure a new, diverse audience and visitorship for the parks.

Education, which ranks among our nation's highest priorities, also must be at the forefront of the National Park Service agenda. Through education we build a citizenry committed to society's values. National parks have a distinct role to play in this mission, offering place-based learning that promotes a more sustainable environment, encourages the development of lifelong, health-enhancing habits of physical activity and appreciation of nature, and stimulates learners to consider and discuss democratic issues that are central to our civic life. This subcommittee can play a tremendous role in ensuring that the American people receive the full educational benefit our national parks have to offer. As a key step, the commission recommends that the Service replace broken, dilapidated, out-of-date media, including exhibits, signs, films, and other technology-delivered information.

During each of our meetings, we heard compelling testimony and stories from people who have been enriched by the parks about threats to park resources, efforts to maintain and restore them, and creative partnerships that are building better parks and better communities. As this subcommittee contemplates the national park budget for FY 11 and beyond, we strongly encourage you to both provide the operations resources the parks need and to call on the National Park Service to reach outside park boundaries as a civic institution that can help build stronger, more livable communities, connect the youth of today to our great country, our natural wonders, and our cultural treasures.

National parks today face challenges no one imagined in 1916, not only at the local level, but also on regional and global scales. Global climate change is rearranging wildlife habitat, sometimes forcing species outside the boundaries of parks designed to protect them. Development is fragmenting ecosystems. Industrial agriculture has drawn down rivers, aggravating the impact of droughts. As a species, we are even altering the chemistry of the world's oceans. The National Park Service, alone, cannot keep the parks protected. To protect the parks going forward, collaboration isn't a nicety it's a necessity. The National Park Service has a role to play outside park boundaries as a convener of stakeholders, a partner, and a leader-by-example. Working with federal, state, local, tribal, and private owners of adjacent lands, and residents of surrounding communities, the Park Service must help build a shared conservation agenda—locally and nationally. The National Park Service should have clear authority, adequate staff, and support at the highest levels to engage in regional ecosystem planning and landscape-level conservation and historic preservation efforts.

The Park Service's underfunded community assistance programs have already proved that they can provide tremendous conservation, preservation and recreation value in cooperation with the citizens they serve. The National Register of Historic Places, the National Historic Landmarks Program, and the National Natural Landmarks Program demonstrate that formal recognition on a national level empowers local stewardship and builds community spirit. The Rivers and Trails Conservation Assistance program is helping the community of Caldwell, Idaho, restore a nearly half-mile-long section of Indian Creek, which had been buried since the 1930s. By resurrecting the stream, the project has improved resource protection and recreation, assisting in the revitalization of downtown. We spoke earlier of the enormous potential of the national parks to improve our nation. This is just one example.

The commission also believes that the Land and Water Conservation Fund has a critical role to play in the future of our parks—those that already exist and future additions—and we were pleased that the administration recognized this in its budget request for FY 11. Our hope is that the committee receives an allocation that enables it to meet that request without taking critically needed funds from national park operations. While the commission took no position on specific energy proposals the Congress may pursue regarding renewable energy or offshore drilling, future energy legislation should make good on the promise to fully fund LWCF. We would hope that, if Congress restores the original intent that LWCF be a mandatory program, this subcommittee could redirect its scarce discretionary resources to other national park needs.

Professional and technical development also should be a priority throughout ranks of the Park Service, as should a governance structure that enables Park Service personnel to carry out their mission. The commissioners are convinced that substantial new efforts to support leadership development are essential to the future effectiveness of the Park Service, and we hope the subcommittee will encourage them. These efforts must be broad in scope and should enlist the aid of universities and private partners to design an integrated program that uses current best practices in adult learning and organizational capacity building. Investing in leadership returns powerful dividends in organizational effectiveness, employee morale, and public confidence, and is an important use of operational resources. The best practice for private sector enterprises is to invest at least 4% of their annual personnel budget in such training.

We also found that, despite their incredible dedication and passion, Park Service employees are often frustrated with the increasingly bureaucratic and hierarchical environment in which they find themselves. Morale has been tested by declining budgets and staff losses, and efforts at efficiency have been stifled by the trend to centralize government administrative functions. We therefore recommended that the Park Service undertake an analysis of all management processes and reports presently required, and how to improve those processes. We also encourage the subcommittee to examine the potential for the Park Service to have direct access to legal advice, land appraisals, procurement, and scientific capabilities. Finally, we suggest that the subcommittee encourage the Department of the Interior to reduce the layers of review and approval for cooperative agreements, budget request, construction, and land acquisition, and allow the Park Service to develop its own strategic plan that is directly responsive to the agency's mission.

Americans have a deep and enduring love for the national parks, places we treasure because they embody our highest ideals and values. The National Park Service safeguards an encyclopedic array of irreplaceable resources at the heart of defining landscapes, watching over icons like bison, grizzly bears, and redwood trees, homes where heroes were born and buildings where history was made, and battlegrounds where Americans, as Abraham Lincoln said at Gettysburg, "gave the last full measure of devotion," to form and reform a nation. This subcommittee has the privilege of guarding this tremendous inheritance for our children and grandchildren.

We are privileged to be here today on behalf of the tremendous group of commissioners with whom we have been privileged to serve, to assist you in your task. On behalf of our colleagues, thank you for your continuing commitment to the operations and vitality of our national parks, on behalf of present and future generations. We offer our services to you as you continue to grapple with how best to carry out the federal government's stewardship of this unique, treasured American institution.

Mr. MORAN. Well, that is pretty impressive testimony there, Ms. Hinojosa. It is nice to have your professional communicative ability.

Ms. LONG. Maria has basically said all that I would say but perhaps I will add a few more points. I am Gretchen Long. I am also a member of the Second Century Commission, which was a wonderful experience under the leadership of Senator Howard Baker and Senator Bennett Johnston; 25 people from various parts of the geography and expertise and knowledge came together and all left with a profound sense that our national parks are indeed the best idea America has ever had. They are our treasured landscapes. They are our identity as Americans, as Flight 93 Memorial just was discussed and indicated, and they are our economic engines for the surrounding communities.

The Second Century looked at what it hopes will be the role of the parks in the next century but it was a visionary yet practical outlook, particularly making recommendations that will position the parks by its 100th anniversary in 2016. The major recommendations of that Commission in my judgment were to increase the educational aspects of the National Park Service, to reach out far more effectively to all Americans and engage them, and thirdly, to realize that national parks alone cannot protect natural resources. They are part of larger areas and must be part of a larger landscape level conservation effort and in fact play, as national parks can uniquely do, the leadership and convening role in a larger agenda of landscape preservation.

These are all good recommendations but over and above the existing needs of the Park Service, they like every other worthy request that has been made here today, we think ours of course is most worthy. They need to receive more funds. Your subcommittee has been particularly effective since 2008 in decreasing the shortfall in operating funds from \$800 million to \$580 million, and that is great but it is still a shortfall, and it is a shortfall within the context that there is still \$9 billion in maintenance backlog and \$2 million in unacquired inholdings requirements worthy all to be purchased.

So the Park Service is actually woefully underfunded for the high regard it holds with the American people. Particularly troubling is this year's operating budget, and we would ask, as Maria did, that you continue to work to try to realize full increase of \$100 million plus fixed costs. It is a very difficult year. We understand that. If you can come up with something better than it is now, even if not \$100 million, it would make a tremendous difference for the Park Service not to really be behind the curve in terms of its fixed costs.

Secondly, we support fully the Land and Water Conservation Fund, and thirdly, and perhaps interestingly for your future consideration, and lastly, the Commission recommended that as the parks were set up in perpetuity, so should they have permanent and sustainable funding and there is a recommendation, which I believe will be followed through in the next couple of years, to develop an endowment with a national campaign looking for philanthropic and government support dollars. That is a new recommendation and I think you will see it coming before you in the next period of time.

Thank you very much for listening to us.

Mr. MORAN. Thank you, Ms. Long. Ms. Hinojosa, thank you very much. You neglected to mention all the benefit that the restoration of Indian Creek has meant to Caldwell, Idaho.

Ms. LONG. I did, but you have that in your written testimony. When I looked at that testimony, I did wonder if that would be the pivotal point.

Mr. MORAN. Nice going. I was thinking for Mr. Simpson, not as much for me.

Mr. SIMPSON. I have been there.

Mr. MORAN. I am sure you have.

Thank you. Very good testimony. We appreciate it. Thank you.

We are going to now hear from Mr. Calvelli, Ms. Moffatt, and then we are going to put in Congressman Brad Sherman, who has just arrived to join us. Mr. Calvelli. Mr. Calvelli is the executive vice president of the Wildlife Conservation Society.

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THURSDAY, MARCH 25, 2010.

## **WILDLIFE CONSERVATION SOCIETY**

### **WITNESS**

#### **JOHN CALVELLI**

Mr. CALVELLI. Good morning, and I am also a recovering Hill staffer. I was on Capitol Hill for 12 years as Congressman Elliot Engel's chief of staff, so it is a pleasure to be back here in the Rayburn Building.

In its 114-year history, the Wildlife Conservation Society has maintained a constant commitment to save wildlife and wild places around the world. Our conservation operations have expanded to 65 countries today and our curatorial science in five living institutions in New York City help make WCS one of the world's most comprehensive conservation organizations. We currently manage more than 200 million acres of land with a commitment to protect 25 percent of the earth's biodiversity. We also have an annual economic impact of \$414 million, employing more than 4,000 staff globally including 200 PhDs and welcoming nearly 4 million visitors to our urban wildlife parks each year.

I request that my previously submitted written testimony, which unfortunately did not have that great headline that the previous people spoke of, detailing WCS's conservation investments in fiscal year 2011 Interior appropriations recommendations be entered into the official record.

This morning I will describe the invaluable contribution of the U.S. government to both domestic and international conservation, explain the need for greater investment and make recommendations to further strengthen U.S. government leadership and environmental stewardship and conservation.

Having been born in the south Bronx, I have been all too familiar with busy streets and concrete. Amidst this, the 265-acre Bronx Zoo headquarters of the Wildlife Conservation Society has for over 100 years provided a source of inspiration, stewardship and a real connection to global conservation to working-class families and neighborhoods across the region and beyond. The first-ever Urban

Assembly School for Wildlife Conservation located in one of the poorest Congressional districts in the United States represented by Congressman José Serrano is an investment in changing the way we communicate our interactions with nature to our next generation. Students take regular classes at the Bronx Zoo, where our living exhibits provide extended classrooms for students to learn about and participate in local, national and global efforts to conserve the natural world. To this end, I applaud Secretary Salazar's commitment to engaging youth, particularly those from underserved areas, as a pillar of the Great Outdoors Initiative and recommend that the Department of the Interior develop great partnerships with zoos and aquariums to build a conservation ethic among the next generation of youth.

One such challenge facing not just our youth but our nation and indeed the world is that of climate change, which poses an unparalleled threat to wildlife and the environments on which they depend. WCS conservationists work across the globe to combat climate change impacts including shifts in wildlife habitat and ranges. In the United States, WCS is encouraged by Interior's stated goal for its Climate Change Adaptation Initiative of identifying areas and species most vulnerable to climate change and implementing adaptation strategies in these areas. We support this laudable goal and recognize that the overall funding request of \$171.3 million for this initiative is a good start to building resilient ecosystems.

As part of this investment, landscape conservation cooperatives will continue to be developed and the scope of U.S. Geological Survey's National Climate Change and Wildlife Center will expand through the establishment of eight Climate Science Centers. Through these investments, WCS would like to see increased coordination with other agencies and external partners to develop a further understanding of climate impacts across entire landscapes coupled with demonstration projects that could provide resource managers the tools necessary to address the specific needs in that landscape. These interagency landscape level approaches are key to addressing not only climate change impacts but other issues such as sprawl and energy development as well.

Recently, the U.S. Forest Service, National Park Service and the National Wildlife Refuge System pledged to work together to support the protection of the migration corridor of pronghorn antelope known as the Path of the Pronghorn across the broad greater Yellowstone ecosystem. While further protections are needed, WCS applauds this cooperative action demonstrating that by working together, we can find solutions to preserve our Nation's wildlife history and heritage.

From world-renowned WCS conservationist George Schaller's first studies of mountain gorillas in 1959 to our 2008 discovery of more than 125,000 western lowland gorillas in Congo, WCS has been committed to saving all four subspecies of gorilla. In recent years, our conservation successes would not be possible without the support of the U.S. Fish and Wildlife Service among other U.S. government agencies. Since 1991, the multinational species funds administered by the Fish and Wildlife Service has provided the world's only source of dedicated funding for Asian and African ele-



phants, rhinos, tigers, great apes and sea turtles, and WCS recommends that Congress fund this program at \$5 million for Rhino-Tiger Fund and \$2.5 million for each of the remaining species funds.

I see that we are running quickly out of time.

Mr. MORAN. We are out of time.

Mr. CALVELLI. And I want to just end with one thought, this idea that Ken Burns and the greatest idea that we had with parks. You will see in my testimony that we have many examples of that, and I apologize, I did not recognize the ranking member and Mr. Hinchey. Thank you for being here and giving us an opportunity.

[The statement of John Calvelli follows:]

**Testimony of John F. Calvelli**  
**Executive Vice President, Public Affairs, Wildlife Conservation Society**  
**Submitted to House Appropriations Subcommittee on Interior, Environment & Related Agencies**  
**March 25, 2010**

Chairman Moran, Ranking Member Simpson, Members of the Subcommittee: Thank you for the opportunity to submit testimony on FY11 Interior, Environment and Related Agencies Appropriations Act. I am John F. Calvelli, Executive Vice President of Public Affairs with the Wildlife Conservation Society (WCS), which was founded with the help of Theodore Roosevelt in 1895 with the mission of saving wildlife and wild places worldwide. Today WCS manages the largest network of urban wildlife parks in the United States led by our flagship the Bronx Zoo. WCS is responsible for managing more than 200 million acres of land in 65 countries around the world, employing more than 4,000 full-time staff including 200 PhDs and 100 veterinarians.

At the outset, I want to thank the subcommittee for providing critical funding increases in the FY10 Interior, EPA and Related Agencies Appropriations Act to further the U.S. government's commitment to protect and preserve national parks and public lands, conserve wetlands and wildlife habitat in this country and beyond our shores while strengthening the stewardship of our environment. A decade into the 21<sup>st</sup> Century, our society has come to a crossroads. The direction we take over the next ten years will likely determine the nature of our planet for centuries to come. Conservation of the Earth's wildlife and habitat is a global priority and requires nations to work together cooperatively since wildlife and wild places recognize no political boundaries. Global conservation is inextricably linked with the health and security of all Americans and the protection of U.S. interests overseas. Deforestation, habitat loss, over hunting and fishing, illegal poaching, emerging diseases, and the dislocations wrought by climate change have scientists estimating that as many as 2/3 of all species could be near extinct by the end of the century.<sup>1</sup>

This testimony will highlight both domestic and international programs at the Department of the Interior (DOI) and the Department of Agriculture (USDA) that are shaping the future of conservation - first covering Department-wide Initiatives at the DOI that have the potential to lead local, regional and national efforts in conservation followed by a suite of international programs that leave a lasting mark of U.S. conservation leadership across the developing world.

**Department of the Interior-wide Initiatives:**

*Climate Change Adaptation Initiative:* Climate change poses an unparalleled threat to wildlife and the environments on which they depend. WCS is pleased to note that the FY11 President's Budget calls for a greater investment in responding to the impacts of climate change on fish, wildlife and habitat to ensure resiliency. As DOI states, its goal for the Climate Change Adaptation Initiative is to "identify the areas and species ranges in the U.S. that are most vulnerable to climate change, and begin implementing comprehensive climate change adaptation strategies in these areas."<sup>2</sup> WCS supports this goal and recognizes that the overall funding request of \$171.3 million for this initiative is a good start to building resilient ecosystems. As part of this investment, the USFWS intends to continue building Landscape Conservation Cooperatives (LCCs), expand the scope of the USGS National Climate Change and Wildlife Center efforts by establishing 8 regional Climate Science Centers (CSC). Through the LCCs and

<sup>1</sup> Stuart Pimm and Thomas Brooks, "The Sixth Extinction: How Large, Where, and When?" in *Nature and Human Society*, ed. Peter Raven, National Academy Press, 2000, p. 59.

<sup>2</sup> *Fiscal Year 2011: The Interior Budget in Brief*

CSCs, WCS would like to see increased coordination with other agencies and external partners to develop a further understanding of climate impacts across entire landscapes coupled with demonstration projects that could provide resource managers the tools necessary to address the specific needs in that landscape. For example, in the Great Northern and Plains & Prairie Potholes LCCs more refined grazing management could ameliorate climate change impacts on wildlife habitats and restore key ecological processes on grasslands. Fully-funding the Land and Water Conservation Fund (LWCF) would also invest in federal and state land acquisition that, among other things, can help safeguard wildlife from the impacts of climate change.

*Youth in Natural Resources Initiative:* Children today are growing up in a time of great challenge to the environment, yet are showing less connection to the natural world. Noted by DOI as a driving force behind its *Great Outdoors America* initiative, youth today are spending far more time indoors with higher rates of obesity and are not taking advantage of America's open spaces. Teaching youth the importance of natural resources is key to reversing the extinction crisis and the future success of conservation. Even in the neighborhoods of the south Bronx where I grew up and now work at the Bronx Zoo, engaging youth in conservation is making a difference. In partnership with the Urban Assembly, WCS runs the education program at the School for Wildlife Conservation, teaching students to become stewards of the environment. This New York City public middle school, located in one of the poorest Congressional Districts in the U.S. represented by Congressman José Serrano, implements a challenging academic curriculum where the theme of wildlife conservation is integrated throughout the core subject areas. WCS applauds DOI's goal of encouraging youth to connect with nature through the Youth in Natural Resources Initiative, which includes a \$1 million increase in funding for the National Fish and Wildlife Foundation to, in part, foster youth education programs in classrooms through public-private partnerships with NGOs and others with a focus on preserving and protecting priority species and their habitats.

**Bureau of Land Management (BLM):**

*Eco-regional Assessments:* As energy development, urban growth and climate change continue to negatively impact wildlife and their habitat, a landscape-scale conservation strategy is needed. Unfortunately, BLM land use policies historically have been driven by local and national considerations with decisions made at the Field Office level. WCS is keenly interested in planned efforts to undertake nationwide eco-regional assessments for impacts on wildlife in high priority energy development areas such as the National Petroleum Reserve-Alaska (NPR-A) and along the Path of the Pronghorn in Wyoming. WCS has a long history of working to ensure a balance of both wildlife protection in key areas of the NPR-A and helping oil and gas industry minimize potential impacts to wildlife, particularly nesting shorebirds, as they begin to pursue development in Arctic Alaska. In addition, WCS scientists are documenting disturbances to wildlife migration patterns, such as the Path of the Pronghorn, as energy development degrades and fragments wintering habitat across the Upper Green River Valley in western Wyoming. Proactive and strategic eco-regional assessments by the BLM are critical to supporting the agency in properly managing these ecosystems. Through the Healthy Landscapes program, these assessments will examine disturbances such as energy development to improve understanding of the existing condition of BLM landscapes at a broader level. WCS believes this is an important strategy to address major stressors on wildlife and recommends continued significant funding for landscape-scale habitat conservation through the Healthy Landscapes initiative.

**U.S. Fish and Wildlife Service**

*USFWS State and Tribal Wildlife Grants Program (SWG):* The State and Tribal Wildlife Grants program gives states and Indian tribes funding to develop and implement comprehensive

conservation plans to protect declining wildlife and habitats before protection under the Endangered Species Act is necessary. This important program is supported by more than 6,200 organizations that have formed a national bipartisan coalition called Teaming with Wildlife of which WCS is a steering committee member. WCS recommends Congress provide \$100 million in FY11 for State Wildlife Grants to implement State Wildlife Action Plans. Also, in this time of tight state budgets, lowering the non-federal match requirement from 50% to 35% will help states to participate in this program. In helping to leverage these funds, WCS continues its highly successful Wildlife Action Opportunities Fund grants program with support from the Doris Duke Charitable Foundation, which makes funding available to non-profit conservation organizations and state wildlife agencies working to implement State Wildlife Action Plans. Since 2006 this WCS-administered fund has awarded 64 grants for over \$5.17 million to a wide variety of stakeholder groups that impact wildlife conservation in 40 states, including funding the Commonwealth of Virginia to update its State Wildlife Action Plans to include climate change modeling. WCS is doing its part to leverage federal funding for this program by providing private funding opportunities. At the same time, a greater need remains.

In addition to the domestic investments by DOI, WCS supports the department's international programs that have a broad global impact. The remainder of my testimony will focus on international investments at DOI and USDA.

*Multinational Species Conservation Fund (MSCF):* Over the past few years, the MSCF program has supported the discovery of 125,000 western lowland gorillas in Congo; 42,000 leatherback sea turtles off the coast of Gabon and contributed to the discovery of over 1.2 million animals in Southern Sudan which included 8,000 African elephants. This is testament to the fund's ability to deliver conservation success on the ground while leveraging upwards of three times more in private funding. From 2005 - 2009 alone, a little more than \$45 million in U.S. government grant funding for rhinos, tigers, elephants, great apes and turtles has leveraged more than \$75 million in additional support. Since the opening of the Bronx Zoo's Congo Gorilla Forest exhibit in 1999, visitors have allocated a portion of their admission fee – a total of more than \$10.6 million – directly to field conservation projects in Central Africa's Congo Basin because of the intellectual and emotional connections made with the gorillas and the central African rainforest. However, there is an urgent need for additional funding. Shocking estimates of only 3,000 tigers in the wild is a wake up call to our generation to save these charismatic megafauna that are threatened by severe deforestation, habitat loss, climate change, unsustainable hunting, illegal trade and disease transmission. Despite these times of financial crisis, the relative wealth of our nation in comparison to desperate situations around the globe means that modest investments of U.S. conservation dollars can reap significant returns when invested in the developing world. Therefore, WCS recommends that Congress fund \$2.5 million each for Asian elephants, African elephants, great apes and marine turtles; \$5 million for the Rhino-Tiger Conservation Fund and \$6.5 million for the Neotropical Migratory Bird Conservation Act in FY11.

*Wildlife Without Borders Global and Regional Programs:* Amphibian populations across the tropics have declined drastically due to global warming, overexploitation of natural resources, habitat loss and disease transmission. In the case of the Chytrid fungus almost 50% of amphibian species and 80% of individuals can be expected to disappear within one year of the disease outbreak. The Wildlife Without Borders (WWB) programs are a great investment in addressing cross-cutting threats to ecosystems and wildlife such as disease outbreaks in amphibians. WWB is making lasting impacts through capacity building, technical support and training, local community education and citizen science having already provided \$2.6 million in FY09 to 92 projects in 22 countries across Africa, Latin America, the Caribbean and the Russian Far East

leveraging an additional \$4.8 million dollars in direct conservation assistance. WCS applauds the Subcommittee for recognizing the threats posed to amphibians through report language in the FY10 Interior Appropriations Act which has encouraged the Wildlife Without Borders program to create an Amphibian Conservation Initiative, a small grants program that would address a full range of crises facing amphibians in key habitats. Other noteworthy efforts supported by this program include the Bushmeat-free Eastern Africa Network (BEAN) and the Critically Endangered Species Conservation Fund which has funded 24 projects worldwide and generated nearly \$1.2 million in partner contributions. WCS recommends that the overall funding for the Wildlife Without Borders Global and Regional Programs receives \$9.4 million in FY11.

#### **U.S. Forest Service, International Program**

Deforestation is a significant global issue and together with land use change is the source for nearly 25% of global greenhouse gas emissions due to a variety of causes, including human encroachment, unsustainable wood harvesting practices and conversion to agriculture. The Forest Service International Program (FS IP) has been uniquely positioned to promote global forest conservation by engaging the agency's diverse workforce of scientists, resource managers and conservation biologists and complementing the work of the global conservation community. In recent years, FS IP has helped researchers in the Russian Far East to monitor the populations of amur leopards and Siberian tigers by ensuring a healthy and abundant prey base or food source for the big cats. Every dollar that FS IP receives through Interior Appropriations is matched by at least two dollars in contributions from other agencies, principally the Department of State and the US Agency for International Development as was the case in FY09 when FS IP received \$8.5 million through the FY09 Interior Appropriations Act that was matched by an additional \$19 million dollars through other federal funding sources. Increased support of \$16 million to the FS IP is needed in FY11 to sustain and enhance these important activities.

#### **U.S. National Park Service, International Program**

Since 1962, the Office of International Affairs (OIA) has facilitated technical assistance and exchange projects with counterpart agencies globally building on the legacy of American leadership in national parks management. Under the leadership of President Teddy Roosevelt, U.S. national parks have grown to be viewed internationally as America's "best idea". WCS applauds the vision of the new NPS director, Jon Jarvis who has called for increased international leadership by NPS. Recent NPS international efforts include parks management support and technical guidance provided in Brazil, Cambodia, Chile, Gabon and Qatar. In its capacity as the U.S. state office for the World Heritage Program, OIA manages the International Volunteers-in-Parks program and supports the Park Flight Migratory Bird Program. As OIA continues to implement Director Jarvis' vision, WCS recommends \$2 million for this office in FY11 and encourages a strategic conversation with stakeholders that would draw on common objectives of parks and protected area management to better inform the needs of indigenous people, local communities, impacts of climate change and increased threats to wildlife.

In conclusion, I appreciate the opportunity to share the contributions of the WCS and make a case for increased investment to species and landscape conservation in the FY11 Interior, EPA and Related Agencies Appropriations Act. Greater investment in conservation will strengthen America's natural resource base and reaffirm the leadership of the U.S. government within the global community, and encourage coordinated global efforts to save the world's last remaining wildlife and wild places. Thank you for the opportunity to testify before the Subcommittee.

Mr. MORAN. Thank you very much for that testimony, Mr. Calvelli. It is interesting, the newest exhibit at the National Museum of Natural History shows the closeness of the great apes and the chimpanzees and many of the species that you are trying to protect to mankind itself, so—

Mr. CALVELLI. One of the things, Mr. Chairman, that we have not done well as a conservation community is explain the impact of saving these tropical forests just in terms of even medicinals that are found there, and we need to be doing that and the Forest Service has done a good job in that.

Mr. MORAN. Thank you very much, Mr. Calvelli.

Mr. HINCHEY. John, I just want to say I appreciate what you are doing, always have, and I look forward to continuing working with you. Thank you very much.

Mr. CALVELLI. Thank you, sir.

Mr. MORAN. Now we will hear from Laurie Norton Moffatt, who is the director of the Norman Rockwell—oh, we can do Mr. Sherman. I am sorry, Ms. Moffatt. We are going to do Mr. Sherman, then we will bring you up. I was going by the schedule here. Congressman Brad Sherman.

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THURSDAY, MARCH 25, 2010.

**CA-27**

**WITNESS**

**HON. BRAD SHERMAN**

Mr. SHERMAN. Mr. Chairman, thank you for taking me out of order. I come here as I have so many years on behalf of the Santa Monica Mountains National Recreation Area. Over 33 million visitors a year visit the beaches and parks and mountains of this unit of the national park system, which stretches across the Santa Monica Mountains and transverses Zuma and Trancas Canyons. It is the most visited unit of the National Park Service. To date, the National Park Service has acquired 22,000 acres of park land using Land and Water Conservation funds totaling \$163 million.

The Santa Monica Mountains National Recreation Area has one of the largest backlogs of acquisition needs. Approximately 20,000 acres remain to be acquired to complete the land protection plan and eventually to complete that plan it will cost an estimated \$57 million. I am not here to ask for \$57 million. I am instead here to focus on the highest priority of the National Park Service in the Santa Monica Mountains, the Zuma/Trancas Canyons. The Department of Interior fiscal year 2011 budget provides \$3.75 million to acquire 16 tracts in those canyons. I strongly support what is already in the Administration budget and ask that you plus that amount up to \$6 million so that all of the parcels in those two canyons can be acquired.

The National Park Service ranks Zuma/Trancas Canyon watersheds and coastal estuaries as their top priority for land acquisition. The Park Service has identified 484 acres in the watershed for acquisition. This includes some 28 parcels. The estimated value of those parcels is \$6 million. The owners have indicated a willing-

ness to sell. There are no takings involved in the request that I am making.

[The statement of Brad Sherman follows:]

**Statement by Congressman Brad Sherman  
House Interior & Environment Appropriations Subcommittee  
Thursday, March 24, 2010**

Mr. Chairman, thank you for the opportunity to convey my top priority for the Fiscal Year 2011 Interior and Environment Appropriations Act. The Department of the Interior Fiscal Year 2011 Budget provides \$3.75 million to acquire 16 tracts totaling 286 acres to protect core habitat in Zuma/Trancas Canyons in the Santa Monica Mountains National Recreation Area. I strongly support the Administration's request and urge the Committee to increase the amount to \$6 million for this land acquisition.

The National Park Service ranks the preservation of Zuma/Trancas Canyons watersheds and coastal estuaries as the top priority for land acquisition in the Santa Monica Mountains. The *Santa Monica Mountains National Recreation Area Land Protection Plan* identifies 484 acres in the watersheds for acquisition by the National Park Service. This includes 28 legal parcels with an estimated fair market value of \$6 million. The parcel owners have expressed a willingness to sell to the National Park Service subject to an agreeable value.

The National Park Service has preserved approximately 6,500 acres or over 50 percent of the Zuma/Trancas Canyons watersheds, insuring their long-term preservation for public enjoyment. However, high-end real estate development on the remaining private in-holdings threatens to displace critical habitat and degrade park scenery and coastal water quality. Hiking trails within the canyons provide scenic views of the Pacific Ocean, numerous waterfalls, and natural solitude. This acquisition not only identifies critical open space for habitat protection, but it also seeks to secure critical recreational trail connections for the public. An additional \$2.6 million will be required to purchase the remaining 198 acres of undeveloped parkland within Zuma/Trancas Canyons.

Each year over 33 million visitors enjoy the Santa Monica Mountains National Recreation Area's world-renowned beaches and explore the park's mountains, including its 60-mile Backbone Trail, which stretches across the Santa Monica Mountains and traverses through Zuma/Trancas Canyons. To date, the National Park Service has acquired 22,000 acres of parkland using Land and Water Conservation Funds totaling \$163 million. The Santa Monica Mountains National Recreation Area has one of the largest backlogs of acquisition needs in the national park system. Approximately 20,595 acres remains to be acquired to complete the Land Protection Plan recommendations. The value of these lands is estimated to be over \$57 million.

Mr. Chairman, I urge the Committee to budget \$6 million to acquire 286 acres of core habitat in Zuma/Trancas Canyons in the Santa Monica Mountains National Recreation Area. Thank you for this opportunity to convey my support for this important priority.



Mr. MORAN. So the problem is that they are building high-end housing on the private inholdings, which I suppose the value is enhanced because it is protected federal land around it, so you are suggesting that at this time the real estate value is depressed and so it is a good time to pick it up and preserve the overall quality of the entire area?

Mr. SHERMAN. It is a buyer's market. We need to take advantage of this buyer's market, and at some point if these owners instead use their legal entitlements to put up mansions, we will never be able to restore the view shed. We will never really be able to preserve this land.

Now we will hear from Ms. Moffatt, Laurie Norton Moffatt, who is the director of the Norman Rockwell Museum on behalf of the Association of Art Museum Directors and American Association of Museums.

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THURSDAY, MARCH 25, 2010.

**ASSOCIATION OF ART MUSEUM DIRECTORS AND THE  
AMERICAN ASSOCIATION OF MUSEUMS**

**WITNESS**

**LAURIE NORTON MOFFATT**

Ms. MOFFATT. Thank you, Mr. Chairman and Congressmen Simpson and Hinchey. Thank you for this opportunity to testify. Following on the heels of the millions of acres of preservation of the national parks, I have two very small stories to tell but I am speaking on behalf of millions of visitors and billions of museum artifacts our Nation preserves. I am here today to testify about the 2011 appropriations for the National Endowment for the Arts and the National Endowment for the Humanities, and I am speaking on behalf of Norman Rockwell Museum in Stockbridge, Massachusetts, where I am executive director, as well as for the American Association of Museums and the Association of Art Museum Directors.

We are respectfully requesting Congress to approve funding increases for both agencies this year. At a time when individual, corporate and foundation giving is under unprecedented pressure and demand for the services of our museums in the Nation is at an all-time high as a result of the recession. These agencies are offering lifelines, helping us to preserve programming, collections and educational services for the public, not to mention millions of jobs of our staff and the vendors to our businesses.

To provide a context for this request, I would like to speak about specific grants that the Norman Rockwell Museum and the Association of Art Museum Directors have received from the NEA and the NEH. Norman Rockwell Museum stewards the world's largest, most significant collection of the art and archives of American artist Norman Rockwell. Our exhibits attract 150,000 visitors to Stockbridge, Massachusetts, in the rural western part of our state annually but we also serve 300,000 additional visitors through our exhibitions that travel around the country. Last year alone, we had nine exhibits traveling and being seen in 10 different states. There-

fore, we are serving about half a million people a year from our small museum.

Caring for this world-class collection is a formidable task for our small-size museum with a very tiny endowment. Let me just show you the impact of two NEA and NEH grants on one collection project that we have been doing. In 2003, we launched a comprehensive 10-year preservation digitization and public access initiative for the Norman Rockwell Archive, which has gained broad public support. For our efforts, our professional efforts, in 2008 the museum received the National Humanities Medal, the first and only museum in the Nation to have received this recognition for the studying and honoring of the life work and ideals of an icon in American art and for being the careful curator of the archives illustrations and benevolent spirit of Norman Rockwell that he bequeathed to the Nation. I can tell you that none of this would have been possible without funding we received from the NEA and the NEH and we leveraged this funding with more than \$1 million in private foundation grants on top of the public grants.

Mr. MORAN. Well, it probably would have been NEH, would it not have been, more than NEA?

Ms. MOFFATT. It was both, actually, because of the ideals, the humanity ideals represented in Norman Rockwell's art, and NEH supports many, many exhibits that are seen around the country, so we do benefit from both agencies.

A \$25,000 NEA grant and a \$300,000 Save America's Treasures grant preserve 18,000 fragile acetate negatives that were being lost and this collection of pictures, American Life in the 20th Century. And American Masterpiece's program has supported a national traveling exhibition of our collection to 12 venues around the country and is being seen in the states of Arkansas, California, Florida, Kansas, Michigan, North Carolina, Ohio, Virginia and Washington State. It will be seen by an estimated 5 million visitors by the time it concludes in 2012. And an additional NEH grant has supported the arrangement and description of the Rockwell Archive and this vast collection of 200,000 items that we care for and has created exhibitions, online digital access, book projects and educational programming for schools.

To put this in context, our budget is less than \$4 million annually and our endowment is equally small, also below \$4 million. The NEA and NEH support has made it possible for us to steward this national collection, which would not have been possible to do just from our visitors. The field at large has made recent grants to the Association of Art Museum Directors to help do a mapping project which has shown the regions of the Nation that our art museums are serving and demonstrating that many underserved and poor school districts are being served by the school programs in our country.

So we respectfully request as a last request that the Congress reject a budget request by the Executive Office to eliminate Save America's Treasures. This program was established by First Lady Hillary Clinton and strongly supported by First Lady Laura Bush and it has helped rescue sites and collections of national and even world significance. So together with the National Park Service and the art museums and all museums in the Nation, we request that

you support the NEA and NEH funding and restore America's treasures.

[The statement of Laurie Norton Moffatt follows:]

Testimony on FY 2011 Appropriations for the National Endowment for the Arts and the National  
Endowment for the Humanities

Laurie Norton Moffatt, Executive Director, Norman Rockwell Museum, Stockbridge, MA  
on behalf of American Association of Museums, Washington, DC and  
Association of Art Museum Directors, New York, NY

Subcommittee on Interior, Environment and Related Agencies  
U.S. House of Representatives  
March 25, 2010

Thank you for the opportunity to testify before the subcommittee with respect to FY 2011 appropriations for the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH). My statement is on behalf of the Norman Rockwell Museum, (NRM) of which I am executive director, as well as the American Association of Museums (AAM) and the Association of Art Museum Directors (AAMD).

We respectfully request Congress to approve increases for both agencies, which offer irreplaceable support for the nation's cultural institutions and higher education humanities programs. At a time when individual, corporate, and foundation giving is under unprecedented pressure, these agencies offer a lifeline, helping us to preserve programming and educational services for the public, not to mention the jobs of our staff and vendors. Modest increases would allow both agencies to undertake new initiatives such as NEA's proposed Our Town. Absent a rise in overall funds, we would not support funding of new initiatives.

To provide context for our request, I will speak about the specific grants that NEA and NEH have provided to the two associations on behalf of which I am testifying, as well as about the grants they have provided to the NRM.

Norman Rockwell Museum stewards the world's largest, most significant collection of art and archives of American artist Norman Rockwell, and a growing collection of other notable American illustrators. Today, our holdings include more than 770 original Rockwell artworks and his personal Archive of more than 200,000 objects, as well as 60+ artworks representing other contemporary and historical illustrators.

Founded in 1969, NRM originally represented Rockwell's personal collection and quickly grew out of popular demand to become a national museum. Today, as the leading presenter of Rockwell and the preeminent museum of American illustration art, we showcase works of more than 400 illustration masters. Considered a national treasure, our growing collection drives a vibrant year-round exhibition program at the Museum, an ambitious national traveling exhibition program, and dozens of humanities programs. These exhibitions and programs attract 150,000 annual visitors to Stockbridge from around the world and reach an average of 300,000 more each year through traveling exhibitions. In 2009 alone, nine NRM exhibitions traveled to 10 states.

Our collection also supports an active research center and anchors the *Rockwell Center for American Visual Studies* – the nation's first art-history research institute dedicated to the study of American illustration.

Caring for this world-class art collection is a formidable task for a modest-sized museum with a small endowment, and in 2003, the Museum launched ProjectNORMAN – a comprehensive 10-year preservation, digitization, and public access initiative. The Museum has earned broad public support for ProjectNORMAN – the beneficiary of \$2.3 million thus far from NEA, NEH, IMLS, and several foundations. We have protected and extended the life of more than 40,000 objects – many of which had been in peril – and have advanced new scholarship as we continue to gain intellectual control of these collections and make them more accessible to researchers and others.

For our efforts, the Museum won the **2008 National Humanities Medal** - America's highest recognition of work by individuals and institutions in the humanities. The first museum ever to win this award, we were recognized for "*studying and honoring the life, work, and ideals of an icon of American art... [and for being] the careful curator of the archives, illustrations, and benevolent spirit Norman Rockwell bequeathed to the nation.*"

None of this could have been possible without vital grant support over the years from NEA and NEH. Beginning in 2005, these two federal agencies, along with the Institute of Museum and Library Services, have helped fund our preservation efforts. Significantly, we have successfully leveraged this federal support to acquire more than \$1 million in private foundation grants.

What follows is a summary of each NEA and NEH grant we received, including Save America's Treasures, and what they funded:

- National Endowment for the Arts, \$25,000, awarded in 2005: in preparation for preserving 18,000 fragile acetate negatives as part of ProjectNORMAN.
- NEA/Save America's Treasures, \$296,500, awarded in 2005 towards preserving 18,000 acetate negatives.
- NEA American Masterpieces, \$140,000, awarded in 2005 to support American Chronicles, the Museum's national traveling exhibition chronicling Rockwell's life and work. Launched in 2007, this exhibition will have traveled to museums in Arkansas, California, Florida, Kansas, Michigan, North Carolina, Ohio, Virginia, and Washington.
- NEH Preservation & Access, \$225,446, awarded in 2008 to support arrangement and description of the Rockwell Archive, particularly the vast collection of unprocessed correspondence, hiring a digital archivist to develop collection-level finding aids.
- NEH Chairman's Discretionary Fund, \$30,000 grant awarded in 2008 to plan an exhibition tentatively planned for 2012 called *The Pleasures of Recognition: Norman Rockwell's Inspirations and Influences*.
- NEA ARRA grant, \$50,000, awarded in July 2009 to help support three key Museum curatorial positions threatened by the ongoing national recession.

To put this in context, the museum has an annual budget of less than \$4 million and an endowment fund of under \$4 million. NEA and NEH support has therefore played an enormous

role, and we are very proud of their recognition of the excellence of our programming and the importance of Norman Rockwell's art.

As for services to the field at large, AAMD, which includes about 190 leading art museums in the United States, received \$10,000 from the NEA in 2007 to support a program for museum director management training at its January 2008 conference in Austin, TX. In 2008, it received \$10,000 from the NEA to support its January 2009 conference, which included a series of panels addressing the pressing issues facing the membership and was designed to stimulate conversation among AAMD members on diversity inside and outside the museum.

In 2009, AAMD received \$20,000 to support a research and communications effort that centers on mapping individual museums' educational partnerships across their communities. In the case of NRM, that entailed mapping 162 community partnerships. As part of the mapping project, AAMD can incorporate U.S. Census Bureau data and send it back to us, enabling us to analyze whether we are providing services to poorer as well as richer census tracts, and to adjust our efforts accordingly. The maps can be broken out by several different jurisdictions and are an invaluable tool when speaking to funders, community leaders, and other stakeholders.

In addition to these grants to associations and museums, the NEA administers a program of invaluable assistance to the museum field: the Arts Indemnity Program, which minimizes the costs of insuring art exhibitions. Simply put, without this program, many works of art would not be able to travel beyond their home and would thus be inaccessible to the public.

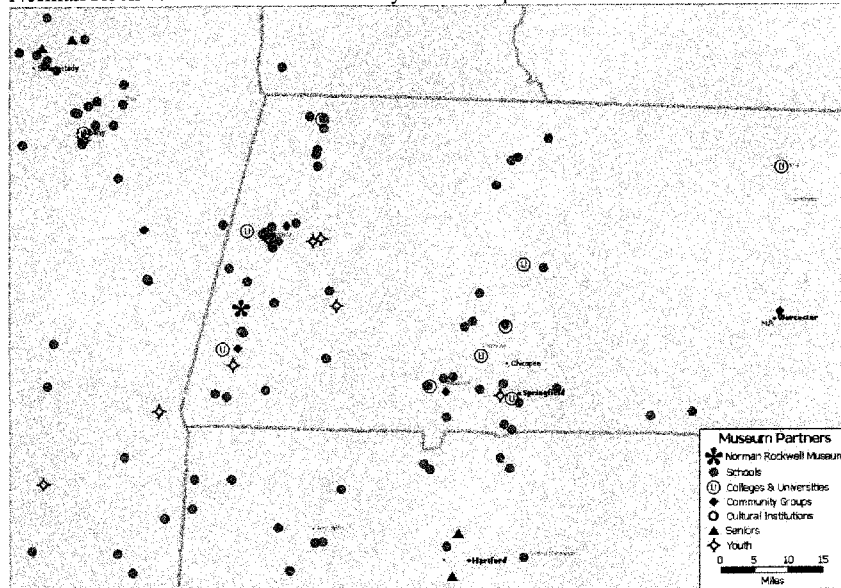
Originally only for international exhibitions, eligibility was extended to purely domestic exhibitions by Congress in December 2007, after insurance companies raised rates following Hurricane Katrina. Prior to Congress's action, many exhibitions were cancelled or curtailed owing to the huge rise in insurance rates. In some cases, insurance was unavailable at any price. The extension of the indemnity program has been of immense importance for the NRM.

Finally, I would like to ask the subcommittee to reject the budget request to eliminate Save America's Treasures. This program, established by First Lady Hillary Clinton and strongly supported by First Lady Laura Bush, has helped to rescue sites and collections of national and even world significance. It is clearly within the core mission of the National Park Service as well as the NEA and NEH. Terminating it would send a terrible message to the nation: that history has nothing to teach us. On behalf of NRM, which received a Save America's Treasures grant in 2005, as well as AAM and AAMD, I appeal to you find funding to continue this unique and wonderful program. Thank you for the opportunity to testify.

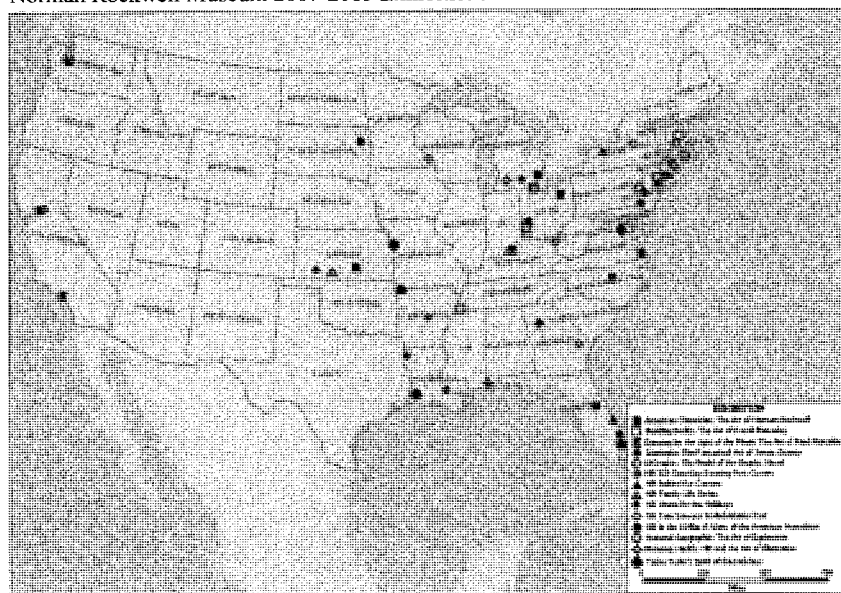
*AAMD's mission is to support its members in increasing art museums' contribution to society. Its membership is composed of the directors of America's leading art museums.*

*AAM's mission is to enhance the value of museums to their communities through leadership, advocacy, and service. Its membership is composed of museums and professionals representing every discipline, including art, history, science, military and maritime, and youth museums, as well as aquariums, zoos, botanical gardens, arboretums, historic sites, and science and technology centers.*

## Norman Rockwell Museum – Community Partnerships



Norman Rockwell Museum 2007-2013 Exhibitions



Mr. MORAN. Your testimony is meeting sympathetic ears.

Mr. HINCHEY. The Norman Rockwell Museum is very impressive, and I think a lot of people are very grateful to you for what you continue to do there.

Mr. MORAN. Have you seen that, Mr. Hinchey?

Mr. HINCHEY. I have, yes. It is a great place.

Ms. MOFFATT. Thank you very much.

Mr. MORAN. Very good. Good testimony, and we happen to agree, and Save America's Treasures will be saved. Trust us. Thank you.

Next we are going to hear from Peter Evans, the director of the Interstate Council on Water Policy. Mr. Evans.

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THURSDAY, MARCH 25, 2010.

## INTERSTATE COUNCIL ON WATER POLICY

### WITNESS

#### PETER EVANS

Mr. EVANS. Good morning, Mr. Chairman, thank you, Ranking Member Simpson, Congressmen Hinchey. We have met previously with you. You will recall from last year's briefings that you are well aware of the America stream gauge programs at the U.S. Geological Survey. I know that time is short so we are going to get straight to the point.

We brought you a letter in December showing the broad support, the wide level of concern about the continuing loss of stream gauges. For the record, sorry, I am Peter Evans. I am the executive director of the Interstate Council on Water Policy, and we appreciate this opportunity to testify this year, especially because the President's budget request includes a decrease in funding for two vital water science programs at USGS and we believe that this subcommittee needs to take action to correct that mistake.

The last time we brought a letter to you, we brought 56 organization endorsements along with the endorsement from 26 state officials indicating their reliance on these programs and the detriment that they suffer as USGS continues to lose stream gauges.

The stream gauges and groundwater monitoring wells operated by USGS serve as the stethoscope on America's rivers and water supplies. The members of the Interstate Council depend heavily on USGS stream gauging for the interpretative science essential in the development and implementation of sound water plans and in the operation of water projects. The Council was established in 1959 as a way for state officials to get together on a regular basis to learn from each other, to build their capabilities, also to speak as a group on important issues of federal policy and the assistance that we need. What our members have in common is the responsibility for developing and managing programs and implementing projects that reduce flood risk and drought risk and balance the needs of human communities with the protection of water quality, wetlands and riparian areas as well as the species that depend on them.

As you know better than many of the other subcommittees in the Appropriations Committee, America faces many water-related chal-



lenges, and the President's budget includes new funding to address much of the infrastructure improvement and environmental restoration across the country. Without detracting from the worthiness of those initiatives, we find it unreasonable to invest so much in new support in those programs and projects without first investing in the water data and science needed for their design and implementation. Full implementation for these programs has never been requested. Both of these programs, the National Streamflow Information Program and the Cooperative Water Program, are national programs that have been authorized by Congress, funded for many years, but the Department has never requested full implementation.

USGS estimated last year, at your request, that completing the installation of the Cooperative Water Program would cost an additional \$121 million if they could do that over the next 5 years and that annual operation and maintenance will cost \$114 million. If the National Streamflow Information Program were fully implemented, it would take a considerable burden off the co-op program, which is a cost-share program in which as the USGS lacks capacity states and local governments, tribal agencies have had to pick up the slack. They are now carrying on average across the country 70 percent of the share instead of the traditional 50/50 cost share.

USGS also estimated last year, again at your request, that they would need an additional \$100 million for the Cooperative Water Program in order to stop losing stream gauges and restore the ability to match local governments and state agencies on a 50/50 basis. In response to your question, Congressman Simpson, I recall that the acting director for the U.S. Geological Survey told you last year that they had a plan to fully implement these programs over the next 5 years, and the information that they provided after their hearing last year showed the budget that they need. So it was a surprise to us to see that the President's request for this year includes a cut for both programs, and we realize that the budget is tight but we have made repeated efforts over the last 5 years to persuade the Department that this is a national problem that they need to attend to with the concurrence of lots of other organizations. We have written many letters over the past 5 years to Secretary Salazar and his predecessors. They say that they are sympathetic and yet we see budget cuts. The data from these programs are essential in planning and managing the metropolitan water supply for Washington, D.C., the Everglades, the Chesapeake, the Long Island Sound, the Grand Canyon, the Sacramento-San Joaquin Bay Delta, all of these crucial water programs, all of which are vital to different parts of the country and depend on the data. The data is needed for the Water Smart Program, the water census that the Department is proposing and so we ask that you support us.

[The statement of Peter Evans follows:]

**Statement of  
Peter H. Evans, Executive Director  
Interstate Council on Water Policy  
Before  
The House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment & Related Agencies  
In the  
Public Witness Hearings  
March 25, 2010**

The streamgages and ground water monitoring wells operated by the US Geological Survey (USGS) serve as the "stethoscope" for America's rivers and water supplies. The members of the Interstate Council on Water Policy (ICWP) and many other organizations depend upon USGS streamgage programs to provide measurements and interpretive science that are essential in the development and implementation of water plans and in the operation of water projects (structural and nonstructural). We were pleased to help bring you the endorsement of 55 other organizations last December on a letter urging full implementation of 2 streamgaging programs operated by USGS and that is what we would like to address today.

**The Interstate Council on Water Policy**

The Interstate Council on Water Policy was established in 1959 to provide a forum for state and local water officials to help each other improve water planning and management capabilities and speak as a group to the need for federal policy and assistance on specific issues. Over the years, many states recognized the advantage of organizing across state lines to address water issues involving more than one state, and the ICWP membership now includes many interstate water organizations. What our members have in common is the responsibility for developing policy, managing programs and implementing projects that reduce the risk of flood and drought and balance the needs of human communities with the protection of water quality, wetlands and riparian areas and the species that depend upon them. We will be meeting in Washington on March 23-25 with members of the Western States Water Council and leaders of many federal agencies to discuss our priorities, our needs and the best opportunities for working together.

**Supporting Water Data & Science Deserves Greater Priority**

We appreciate the opportunity to provide testimony this year especially, because the President's budget request for FY-2011 proposes to reduce support for two vital, national water science programs and we believe this Subcommittee should correct that mistake. America faces many water-related challenges, and the President's budget includes new funding to address many of the infrastructure improvement and environmental restoration needs across the country. However, without detracting from the worthiness of other important initiatives, we find it unreasonable to invest so much new support in those programs and projects without first investing in the water data and science needed for their design, implementation and adaptive management.

The President and several Cabinet members have pledged to restore science to its rightful place in resource management and these two USGS programs, the Cooperative Water Program (CWP) and the National Streamflow Information Program (NSIP) provide the

foundation for policy, program and project decisions by many federal, state, tribal and local agencies –as well as many businesses and citizens.

#### **Cooperative Water Program (CWP) Background**

The USGS Cooperative Water Program was started more than 110 years ago as a 50:50 cost-share partnership with state and local agencies. The basic value proposition that justifies the federal investment in this program has been that, in exchange for an equivalent investment of local and state funds to support good science at key locations identified by those local and state agencies for water planning and management decisions, the USGS provides a high level of expertise, superb quality control and nationwide consistency and the nation gets a reliable, public database capable of supporting national and regional assessments and decision making.

Over the years, the USGS has developed strong collaborative relationships with over 1600 state, municipal and tribal water agencies that depend on streamgauge data and interpretive science to fulfill their responsibilities. Instead of recording just the low-flow measurements or the average daily flow measurements, the USGS measures and reports a full set of standard environmental parameters in real time with a high degree of accuracy and consistency. It is very helpful that the nation's premier water science agency also participates on a limited basis and in partnership with state and local agencies in the extension and refinement of the interpretive sciences that water managers and policy makers need as the management and protection of America's water resources becomes increasingly complicated. These interpretive studies, like the streamgauge data collection, have been supported through 50:50 cost-share agreements in all of the 50 states.

Today, the USGS operates a network of approximately 7,660 streamgages nationwide, of which more than 300 are presently threatened with "discontinuation" due to budget limitations. This means they will be turned off and the record of good measurements will be interrupted, unless the USGS or a state or local agency is able to provide additional funding. Since 2001, the USGS has dropped approximately 1000 streamgages due to budget limitations and the cost-share burden for state and local agencies has increased to almost 70% of the cost.

#### **National Streamflow Information Program (NSIP) Background**

In the 1980-90s, the statistical value of long-term streamgauge records in the design of engineered structures (e.g., dams, bridges, flood levees) became an issue because long-term data collection was being interrupted at too many key locations to accommodate legitimate state and local budget and decision-making priorities. The Congress raised concern, the USGS was asked to design a solution and the National Streamflow Information Program (NSIP) was initiated in 2001.

The NSIP design was reviewed by the National Academy of Sciences in 2004 and given a favorable appraisal. That design provided a national "backbone" of 4,744 streamgages selected strategically to assure that adequate data will be collected to support specific national objectives:

- Interstate & International Boundaries -to provide information needed in the administration and protection of international and interstate agreements for the allocation of water supplies and the protection of water quality;

- Streamflow Forecasts -to provide real -- time stage and discharge information needed to support the flood and other streamflow forecasting by the National Weather Service and other federal agencies;
- Sentinel Watersheds -to assure that we have sufficient information to identify and respond to regional and national hydrologic trends, including those associated with global climate change;
- Water Quality -to assure reliable information for detecting and controlling significant sources of pollution and assessing regional trends.

Today, the USGS operates approximately 3,340 of those 4,744 NSIP streamgages; according to the design, this leaves about 1400 gages that still need to be installed or reactivated and equipped properly. Since the NSIP has never been adequately funded, approximately 80% of the 3,340 active NSIP streamgages depend on funding from the Cooperative Water Program (CWP). This in, in turn, contributes to the rising cost-share burden imposed on local, state and tribal agencies and to the rising number of streamgages currently at risk of "discontinuation."

#### **Implementation Capability**

The funding needed by the USGS to support the NSIP "solution" has never been requested or provided in full. The USGS design estimated the annual budget required in 2001 at \$80 million; the President's budget requests over the past 5 years have slowly increased from \$12 million to \$27.7 million, but this year they recommend cutting it back to \$27.2 million. The USGS estimated last year, at this Subcommittee's request, that completing the installation of the necessary data collection capability would cost approximately \$121 million over the next 5 years and that annual operation and maintenance will cost approximately \$114 million.

If the NSIP were fully implemented, this would take a considerable burden off of the Cooperative Water Program and reduce the extra share of data collection expenses imposed on local, state and tribal agencies. Assuming for now that there would be little interest in expanding the existing streamgage network, the USGS estimated last year (again, at the request of this Subcommittee) that they would need approximately \$100 million per year for the CWP in order to stop the loss of important streamgages and restore the 50-50 cost-share balance.

#### **Repeated Efforts to Persuade the Administration**

In collaboration with a growing list of organizations and state officials, we have written many letters over five years to Secretary Salazar and his predecessors to persuade the Interior Department to recognize & respond to the underfunding of USGS water data & science programs (CWP & NSIP) with very limited success. Together, these two programs provide efficient nationwide access to a highly reliable monitor on America's rivers and water supplies. The data and science from these programs is essential in planning and monitoring the restoration programs for the Everglades, Chesapeake Bay, Long Island Sound and the Great Lakes, the planning for navigation and endangered species and the control of nutrients within the Mississippi River Basin, the resolution of interstate disputes among Alabama, Florida and Georgia and between Arkansas and Oklahoma, the balancing of water supplies and the protection of fisheries and water quality in the Sacramento-San Joaquin Bay Delta. It is essential in the protection of America's 28 National Estuaries and

the Grand Canyon. This data is required for the Interior Department's WaterSMART initiative and for the climate change adaptation studies that Interior, Agriculture, EPA, NOAA and the Corps are implementing.

The ICWP supports all of these initiatives, and many more, but it makes no sense to move ahead with so many substantial interpretive applications and restoration programs unless we also collect the water data that each of those programs require.

The Administration does not appear to be substantially concerned by the continuing loss of streamgages, or by the shift of financial responsibility for supporting data collection to state, tribal and local agencies. If it were, the President's budget request would spotlight this deficit and ask you for help bringing these programs to full capacity in the same timeframe as it is pursuing its other important priorities.

We have great respect for the leadership at the Department of the Interior, the broad range of missions that it leads, and the open and supportive relationship that the USGS, Bureau of Reclamation and the other bureaus maintain with the officials who are responsible for managing and protecting water at the state, interstate and local levels. We only mean to question whether they have given sufficient support to the data & science needed to develop, implement and monitor the diverse water plans and projects that America requires.

We urge the Subcommittee to provide a substantial increase for the NSIP, putting it on a path for full implementation over the next five years, and to restore the USGS capability for fully matching the local, state and tribal contributions to the CWP over the same timeframe.

We thank you Chairman Moran, Ranking Member Simpson, and Members of the Subcommittee, for the opportunity to appear before you and to provide this testimony. I will gladly answer any questions that you might have for me.

Respectfully submitted,

Peter H. Evans  
Executive Director  
Interstate Council on Water Policy  
51 Monroe Street, Suite PE-08A  
Rockville, MD 20850  
(703) 243-7383  
[phe@riverswork.com](mailto:phe@riverswork.com)

Mr. MORAN. Thank you, Mr. Evans. You raise a very important issue to our attention and we certainly agree on the need. Thank you, Mr. Evans.

Dr. Craig Schiffries, who is the director for Geoscience Policy at the Geological Society of America. Dr. Schiffries.

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THURSDAY, MARCH 25, 2010.

**GEOLOGICAL SOCIETY OF AMERICA, GEOSCIENCE  
POLICY**

**WITNESS**

**CRAIG SCHIFFRIES**

Dr. SCHIFFRIES. Thank you very much, Mr. Chairman and members of the subcommittee. Thank you for the opportunity to testify today on behalf of the Geological Society of America, and I also serve as co-chair of the USGS Coalition. The Geological Society of America was founded in 1888 as a scientific society with over 22,000 members from academia, government and industry in all 50 states and more than 90 countries.

The Geological Society joins with the USGS Coalition and other organizations in recommending an appropriation of at least \$1.3 billion for the USGS in fiscal year 2011. This budget would enable the USGS to address a growing backlog of science needs, accelerate the timetable for deploying critical monitoring systems and launch science initiatives that address new challenges. Despite the growing need for USGS science and information, funding for the USGS has stagnated in real dollars for more than a decade.

The USGS is one of the Nation's premier science agencies that addresses many of society's most pressing challenges including energy resources, water resources, climate change and natural hazards. The devastating earthquake in Haiti on January 12th that killed more than 200,000 people and the enormous earthquake in Chile on February 27th emphatically demonstrate the value of robust natural-hazards monitoring and warning systems and the need for increased investments in the USGS. The USGS has a unique combination of biological, geographical, geological and hydrological programs that enable it to address interdisciplinary research challenges that are beyond the capabilities of most other organizations. Quite simply, the USGS benefits every American every day.

As shown in figure 1, the USGS budget fell in real dollars for 7 consecutive years from 2001 to 2008. Despite budget increases in 2009 and 2010, the USGS budget request for 2011 remains below the USGS budget for 2001 in real dollars. The decline in funding for the USGS during this time period would have been much greater if Congress had not repeatedly restored proposed budget cuts. Federal funding for non-defense R&D increased significantly while funding for the USGS has stagnated for more than a decade. From 1996 to 2009, federal funding for the USGS fell by 1 percent constant dollars. During that same period, federal funding for non-defense R&D increased by 45 percent and funding for defense R&D increased by 66 percent in constant dollars.

Let me mention two examples of USGS science. In the 30 years since the cataclysmic eruption of Mount St. Helens in 1980, scientific and technological advances have enabled the U.S. Geological Survey to make reliable forecasts of expected volcanic activity a reality. Until now, these technologies and methods have been applied mainly on an ad hoc basis to volcanoes showing signs of activity. At present, almost half of the most threatening U.S. volcanoes are monitored only at a basic level with real-time sensors and only a few are well monitored with a suite of modern instruments and methods. However, monitoring capabilities at many hazardous volcanoes are known to be sparse and antiquated and some hazardous volcanoes have no ground-based monitoring whatsoever. The National Volcano Early Warning System is a proposed national-scale effort by the USGS and its partners to ensure that volcanoes are monitored at a level commensurate with the threats they pose.

I want to turn to earthquakes for a moment. In the minutes after an earthquake strikes, as recent events in Haiti have demonstrated, knowing where the shaking was most intense can save lives by providing emergency responders with situational awareness they need to concentrate their efforts where they matter most. In the United States, earthquakes are a national challenge with 75 million people in 39 states living in moderate to high earthquake hazard areas. The USGS has developed models for the location and expected severity of earthquakes shaking nationwide within specified time periods. These models are used to generate maps that are incorporated into seismic safety standards for model building codes and other purposes. Even if seismologists are unable to issue precise earthquake predictions, they can still issue warnings after an earthquake occurs. They can do this by sending warning signals that outrun seismic waves just as lightning outruns thunder. Earthquake waves travel roughly at the speed of sound and rock, and once an earthquake is detected, seismologists can send warning signals that travel at the speed of light. These warnings can be used to stop trains on the tracks before they derail, to shut down nuclear power plants before they are damaged, and to stop surgical procedures before a patient is injured. The United States has the technology but not the funding to fully implement this type of warning system.

Let me make some other comparisons with federal funding for research and development. As I mentioned earlier, federal funding for the USGS fell 1 percent while non-defense R&D increased by 45 percent from 1996 to 2009. The USGS would continue to lose ground to other science agencies under President Obama's budget request for 2011 because non-defense R&D would increase overall by 5.9 percent while USGS R&D would increase by only 2.9 percent. Under President Obama's budget request to Congress, the increase in NASA's R&D budget is greater than the entire budget for the United States Geological Survey. According to the White House Office of Science and Technology Policy, the President's budget would increase R&D at NASA by \$1.7 billion, or 18.3 percent, in fiscal year 2011. The \$1.7 billion increase for NASA's R&D is far greater than the entire budget of the U.S. Geological Survey, which is \$1.1 billion.

[The statement of Craig Schiffries follows:]



Testimony of the  
**Geological Society of America**  
Dr. Craig M. Schiffries  
Director for Geoscience Policy

Regarding the  
**U.S. Geological Survey**  
FY 2011 Budget Request

To the  
**U.S. House of Representatives**  
Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
March 25, 2010

**Summary**

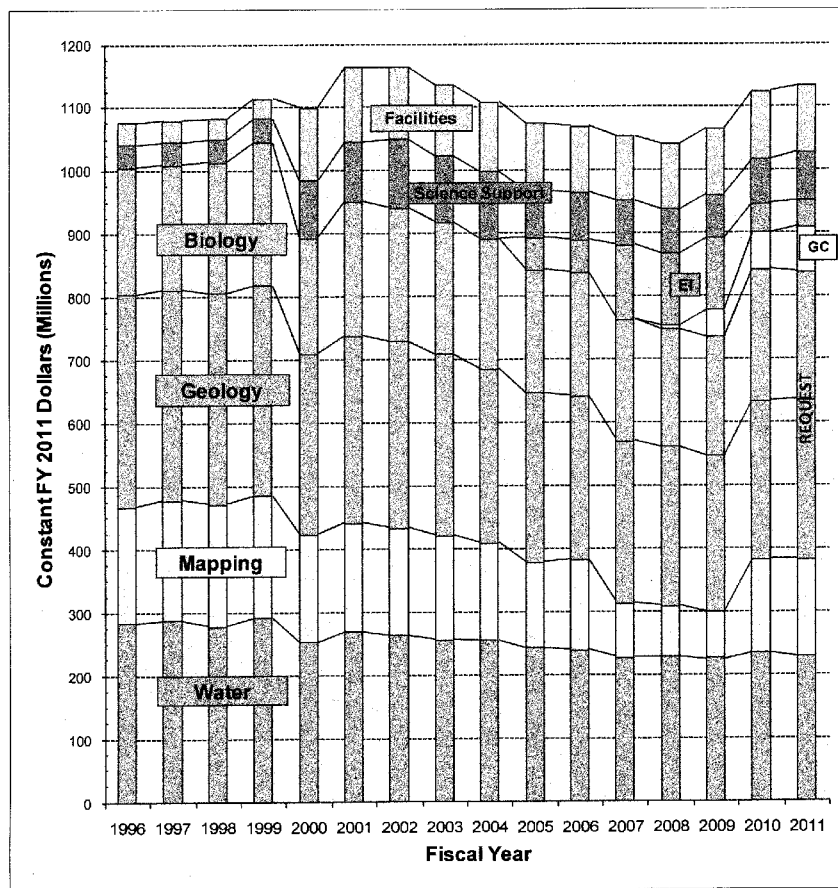
The Geological Society of America (GSA) urges Congress to appropriate at least \$1.3 billion for the U.S. Geological Survey (USGS) in fiscal year 2011. The USGS is one of the nation's premier science agencies. It addresses many of society's greatest challenges, including energy resources, climate change, water resources, and natural hazards. The devastating earthquake in Haiti on January 12, 2010 and the enormous earthquake in Chile on February 27, 2010 emphatically demonstrate the value of robust natural hazards monitoring and warning systems and the need for increased federal investments in the USGS. Nevertheless, funding for USGS has stagnated in real dollars for more than a decade (Figure 1).

The Geological Society of America supports strong and growing investments in earth science research at the U.S. Geological Survey and other federal agencies. Substantial increases in federal funding for earth science research are needed to ensure the health, vitality, and security of society and for stewardship of Earth. The USGS has a unique combination of biological, geographical, geological, and hydrological programs that enables it to address interdisciplinary research challenges that are beyond the capabilities of most other organizations. The USGS benefits every American every day.

*The Geological Society of America, founded in 1888, is a scientific society with over 22,000 members from academia, government, and industry in all 50 states and more than 90 countries. Through its meetings, publications, and programs, GSA enhances the professional growth of its members and promotes the geosciences in the service of humankind. GSA encourages cooperative research among earth, life, planetary, and social scientists, fosters public dialogue on geoscience issues, and supports all levels of earth science education.*

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**Figure 1. USGS funding in constant 2011 dollars, FY 1996 – FY 2011.** El is Enterprise Information and GC is Global Change. Data from USGS Budget Office.

#### Rationale

Science and technology are engines of economic prosperity, environmental quality, and national security. Federal investments in research pay substantial dividends. According to the National Academies' report *Rising Above the Gathering Storm* (2007), "Economic studies conducted even before the information-technology revolution have shown that as much as 85% of measured growth in US income per capita was due to technological change."

The earth sciences are critical components of the overall science and technology enterprise. Growing investments in earth science research are required to stimulate innovations that fuel the economy, provide security, and enhance the quality of life. Substantial increases in federal funding for earth science research are needed to ensure the health, vitality, and security of society and for Earth stewardship. Earth science research provides knowledge and data essential for developing policies, legislation, and regulations regarding land, mineral, energy, and water resources at all levels of government.

#### **Broader Impacts of the Earth Sciences**

It is critically important for Congress to provide significant increases in funding for the USGS to meet challenges posed by human interactions with Earth's natural systems and to help sustain these natural systems and the economy. Additional investments in the USGS are necessary to address such issues as natural hazards, energy, water resources, and climate change.

- Natural hazards, such as earthquakes, tsunamis, volcanic eruptions, floods, droughts, wildfires, and hurricanes, remain a major cause of fatalities and economic losses worldwide. An improved scientific understanding of geologic hazards will reduce future losses through better forecasts of their occurrence and magnitude. The devastating earthquake in Haiti on January 12, 2010 and the enormous earthquake in Chile on February 27, 2010 emphatically demonstrate the value of robust natural hazards monitoring and warning systems and the need for increased federal investments in the USGS.
- Energy and mineral resources are critical to the functioning of society and to national security and have positive impacts on local, national, and international economies and quality of life. These resources are often costly and difficult to find, and new generations of geoscientists need the tools and expertise to discover them. In addition, management of their extraction, use, and residue disposal requires a scientific approach that will maximize the derived benefits and minimize the negative effects. Improved scientific understanding of these resources will allow for their better management and utilization, while at the same time considering economic and environmental issues. This is particularly significant because shifting resource demands often reframe our knowledge as new research-enabling technologies become available.
- The availability and quality of surface water and groundwater are vital to the well being of both society and ecosystems. Greater scientific understanding of these critical resources—and communication of new insights by geoscientists in formats useful to decision makers—is necessary to ensure adequate and safe water resources for the future.
- Forecasting the outcomes of human interactions with Earth's natural systems, including climate change, is limited by an incomplete understanding of geologic and environmental processes. Improved understanding of these processes in Earth's history can increase confidence in the ability to predict future states and enhance the prospects for mitigating or reversing adverse impacts to the planet and its inhabitants.
- Research in earth science is also fundamental to training and educating the next generation of earth science professionals.

The U.S. Geological Survey should be a component of broader initiatives to increase overall public investments in science and technology. For example, earth science research should be

included in a recommendation by the National Academies to “increase the federal investment in long-term basic research by 10% each year over the next 7 years...” (*Rising Above the Gathering Storm*, 2007). Likewise, when Congress reauthorizes the America COMPETES Act, it should broaden the act to include a new title that puts the USGS budget on the same doubling track as other key science agencies.

### **Budget Shortfalls**

President Obama's FY 2011 budget request for the U.S. Geological Survey is \$1.133 billion, an increase of \$21.6 million or 1.9 percent over the FY 2010 enacted level. The USGS budget request includes \$52.0 million in program increases, \$18.6 million in program decreases, and \$11.7 million in additional decreases made on a Department of the Interior-wide basis. The budget request also assumes that the USGS will absorb \$13.5 million in uncontrollable cost increases. Underfunding of uncontrollable cost increases over many years has compromised the scientific capacity of the USGS. We urge Congress to restore proposed cuts in the USGS budget request, to provide full funding for uncontrollable cost increases, to provide new funds to enable the agency to address a growing backlog of needs for USGS science and information and undertake new initiatives. Congress should support proposed USGS budget increases for initiatives including the New Energy Frontier, Climate Change Adaptation, WaterSMART Program, Treasured Landscapes (Chesapeake Bay Executive Order), Increasing Resilience to Natural Hazards, Landsat Data Continuity Mission, and Coastal and Marine Spatial Planning.

The USGS budget fell in real dollars for seven consecutive years from FY 2001 to FY 2008 (Figure 1). Despite budget increases in FY 2009 and FY 2010, the USGS budget request for FY 2011 remains below the USGS budget for FY 2001 in real dollars. The decline in funding for the USGS during this time period would have been greater if Congress had not repeatedly restored proposed budget cuts. Federal funding for non-defense R&D has increased significantly while funding for the USGS stagnated for more than a decade.

The Geological Society of America joins with the USGS Coalition and other organizations in recommending an appropriation of \$1.3 billion for the USGS in FY 2011. This budget would enable the USGS to address the growing backlog of science needs that has resulted from stagnant real budgets for more than a decade, accelerate the timetable for deployment of critical projects, and launch science initiatives that address new challenges.

The Geological Society of America is grateful to the House Appropriations Subcommittee on Interior, Environment, and Related Activities for its past leadership in increasing the budget for the U.S. Geological Survey. We remain grateful to the subcommittee for its leadership in providing \$143 million in stimulus funds for the USGS under the American Recovery and Reinvestment Act of 2009. Thank you for your thoughtful consideration of our request. For additional information or to learn more about the Geological Society of America—including GSA Position Statements on water resources, energy and mineral resources, natural hazards, and public investment in earth science research—please visit [www.geosociety.org](http://www.geosociety.org) or contact Dr. Craig Schiffries at [cschiffries@geosociety.org](mailto:cschiffries@geosociety.org).

Mr. MORAN. Dr. Schiffries, I am going to interrupt you. That is all interesting. We are not opposed to the R&D in those areas, and do feel that there ought to be more devoted to USGS. You need to be making this case to the science guys in the White House to build it into the budget because we are very limited in how much we can do, the add-ons and subtractions and so on. We do not like to subtract but it would have been a lot easier if they had built in more, particularly for a warning system, which would seem to have even national security implications, but you have to talk to the people in the White House as well. That is very good testimony. Thank you, Dr. Schiffries.

Dr. SCHIFFRIES. Thank you very much.

Dr. Robert Gropp, the co-chair of the U.S. Geological Survey Coalition. Dr. Gropp.

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THURSDAY, MARCH 25, 2010.

## U.S. GEOLOGICAL SURVEY COALITION

### WITNESS

#### ROBERT GROPP

Dr. GROPP. Thank you, Mr. Chairman, members of the committee. I appreciate the opportunity to testify today, again sort of continuing to talk about the USGS. I am director of policy for the American Institute of Biological Sciences in addition to serving as co-chair of the Coalition.

First of all, we would like to thank all the members of the committee and past members of the committee for your long support of the USGS. We truly appreciate what you all have done in a bipartisan fashion over the years to restore cuts, and so we sincerely thank you all for your efforts on that front. As Craig just mentioned, one of the Coalition's longstanding now, couple year request is that we think that the USGS would benefit from a \$1.3 billion budget. We recognize your constraints but that remains our recommendation for the Survey for this coming year.

The USGS Coalition is actually an alliance of over 70 scientific societies, data consumers and associated stakeholders of the USGS. The group was founded to highlight and promote the continued vitality of the crosscut of unique biological, geological, hydrological and mapping programs that are found within the USGS and the unique opportunities scientifically that arise from that.

With respect to the USGS, as you all well know, it is the Department of Interior's science agency but importantly, it is also an internationally recognized natural-resource agency that has benefits to every citizen domestically and internationally on a daily basis. Also importantly, as Craig was mentioning, it is a science agency and we are working to try to highlight that among the Administration and other federal agencies and appreciate any support you all can offer us with doing that. As you know, science is important in terms of reigniting the economy, solving problems, and in the case of USGS, it is also a beneficial investment in terms of reducing costs through making wise management decisions, cost-effective conservation decisions and so forth.

Mr. MORAN. It was a \$20 million increase provided over last year's budget. What is the total? Do you recall the total for USGS versus the \$1.3 billion?

Dr. GROPP. It is about \$1.1 billion.

Mr. MORAN. So you are looking for a \$200 million increase?

Dr. GROPP. Right.

Mr. MORAN. About 10 times what we did last year.

Dr. GROPP. No, we recognize your constraints.

As I am sure you are well aware, within that \$20 million increase that is included, and I think this is a problem across Interior, is that \$13.5 million is not accounted for in terms of fixed cost increases, and that is becoming a growing concern for us when we look at USGS as they continue to have to absorb these costs year over year. So if you take that off the \$21 million proposed increase, you are down to \$8 million, which largely goes to important new programs—climate change, environment, ecosystems—but as was mentioned, there is about \$11 million in cuts to water programs, bio programs and enterprise infrastructure. So it is a tight environment.

[The statement of Robert Gropp follows:]

## **USGS Coalition**

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### **Prepared Remarks**

**Robert Gropp, Ph.D.**  
**Co-chair, USGS Coalition**

**Before**  
**House Interior and Environment Appropriations Subcommittee**

**Presented on March 25, 2010**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to testify about the President's fiscal year (FY) 2011 budget request for the United States Geological Survey (USGS). The USGS Coalition urges Congress to provide at least \$1.3 billion for the USGS in FY 2011.

Before I address the current budget request, I would like to thank the members of the subcommittee and recent subcommittee chairmen for your efforts on behalf of the USGS. Over the years, Congress has worked in a bipartisan manner to restore budget cuts that have been proposed by President's from both parties. Through the leadership of members of this committee, some programs within USGS have received important funding that has helped the agency better meet its mission.

I am here in my capacity as co-chair of the USGS Coalition. The Coalition is an alliance of more than 70 organizations united by a commitment to the continued vitality of the unique combination of biological, geological, hydrological and mapping programs of the USGS. The USGS Coalition works to raise the profile of the USGS and to promote an appropriate federal investment in USGS programs that underpin responsible natural resource stewardship, improve resilience to natural and human-induced hazards, and contribute to the long-term health, security and prosperity of the nation.

The USGS plays a crucial role in protecting the public from natural hazards such as floods and earthquakes, assessing water quality, providing emergency responders with geospatial data to improve homeland security, analyzing the strategic and economic implications of mineral supply and demand, and providing the science needed to manage our natural resources and combat invasive species that can threaten agriculture and public health. The USGS is working in every state and has nearly 400 offices across the country. To aid in its interdisciplinary investigations, the USGS works with over 2,000 federal, state, local, tribal and private organizations.

Since it was established by an act of Congress 131 years ago, the USGS has served the nation. The USGS provides reliable and objective scientific information to describe and understand the Earth (physical and living systems), minimize loss of life and property from natural disasters,

and assist others in managing water, biological, geological, geographical, and other natural resources. It is the science agency for the Department of the Interior, but USGS personnel and products contribute substantially to the broader scientific enterprise. The USGS is an internationally respected natural science agency.

The USGS is essential to our collective ability to understand and resolve complex problems. The unique blend of scientific and technical disciplines within the USGS enables the agency to strategically leverage expertise to address many of our most pressing scientific questions, such as those associated with global climate change, environmental stewardship, natural hazards, and energy production.

In recent years, various reports from the National Academies, National Science Foundation, and others have argued that interdisciplinary approaches are required to answer our most challenging science questions, such as those related to climate change, environmental stewardship, and energy production. Importantly, the USGS has the expertise to develop cross-disciplinary teams capable of addressing these challenges. The FY 2011 budget request includes funding for several of these important initiatives – the New Energy Frontier Initiative, the Climate Change Adaptation Initiative, the WaterSMART Program, and the Treasured Landscapes Initiative.

#### **Funding Shortfall**

The USGS budget declined in real dollars from FY 2001 to FY 2008 (Figure 1). Although funding has increased slightly from FY 2008 to present, when considered in constant dollars funding for the USGS remains below the annual levels appropriated in fiscal years 2001, 2002, and 2003. The decline in funding for the USGS during this time period would have been greater if Congress had not repeatedly restored proposed budget cuts.

As announced by the Office of Science and Technology Policy on February 1, 2010, the federal, non-defense research and development budget is slated to grow by 5.9 percent in FY 2011. In contrast, the proposed increase for the R&D component of the USGS budget is approximately 2.9 percent and the overall growth rate for the USGS budget is 1.9 percent. However, these potential increases are overstated. The proposed budget would cut funding for some on-going research efforts and, importantly, fails to fund \$13.5 million in fixed cost increases. When just this \$13.5 million cost is deducted from the proposed budget increase of \$21.6 million, the real funding increase is a mere \$8.1 million – most of which would be applied to new initiatives.

#### **USGS Budget Request**

For FY 2011, the President has requested \$1.1 billion for the USGS. This represents a \$21.6 million increase over the FY 2010 enacted level. The budget request includes funding for important new initiatives in the areas of renewable energy, climate change, water availability and use, natural hazards, and Landsat. Further, the budget places an emphasis on science that will assist managers in ensuring the long-term vitality of wildlife and habitat as energy and alternative energy resources are developed on Federal lands and the Outer Continental Shelf;

contribute research to enhance ecosystems-based management of coastal resources; enhance multi-disciplinary work related to climate change; and ensure the initial phase of the establishment of Landsat ground stations.

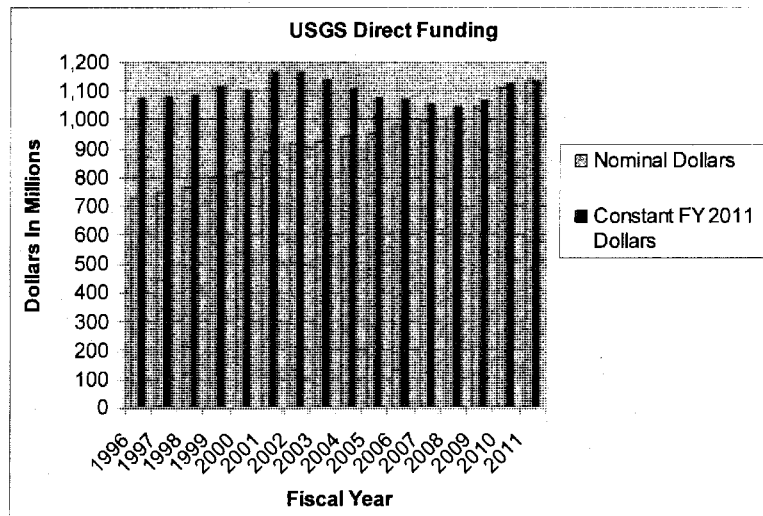


Figure 1. USGS funding in nominal and constant 2011 dollars, FY 1996 – FY 2011. FY 2011 numbers are for the President's request. Data from USGS Budget Office.

The budget includes requests for important new funding for various cross-cutting initiatives and for the Geologic and Geographic research programs. Unfortunately, cuts are proposed to other important existing program areas, including \$3.5 million from the Water Resources Discipline, \$3.7 million from the Biological Resources Discipline, and \$4.5 million from Enterprise Infrastructure.

Of great concern, the budget fails to fund fixed cost increases. According to USGS budget documents, agency programs will absorb \$13.5 million in fixed costs. At this level, these expenses effectively reduce the proposed budget increase of \$21.6 million to \$8.1 million. Scientific and monitoring programs at the USGS have undoubtedly suffered in recent years as budget requests have repeatedly failed to fully fund fixed cost increases.

#### USGS Coalition Recommendation for FY 2011

The USGS Coalition requests that the subcommittee appropriate at least \$1.3 billion to the USGS in FY 2011. The FY 2011 budget recommended by the USGS Coalition would enable the USGS



to meet the tremendous need for science in support of public policy decision-making. The increased investment is needed to restore proposed cuts to on-going research and monitoring efforts, fully fund important new initiatives, and fully fund uncontrollable (fixed) cost increases.

The USGS Coalition is grateful to the House Interior and Environment Appropriations Subcommittee for its leadership in restoring past budget cuts and strengthening the USGS. We look forward to working with you in the future to ensure that the USGS has the funds required to deliver the world-class science and products that inform decisions across the nation every day.

Mr. MORAN. As you know, the Department of Interior elected to make every program absorb those fixed costs, but it is a fair point and an important one to bear in mind. Thank you, Dr. Gropp. Your testimony and the prior testimony were important, and we do understand USGS is very strong. In fact, I have made a point of trying to increase money for USGS and we will try to continue to, and while there are a lot of priorities, these are very good scientists that do good, important work.

Mr. Hinchey.

Mr. HINCHEY. Well, I just agree. What you are talking about is very important, and I am sure we will do the best we can.

Mr. GROPP. Again, thank you very much.

Mr. MORAN. Thank you, Dr. Gropp, very much.

The next speaker will be Sara Fain, who is the co-chair of the Everglades Coalition. Good morning, Ms. Fain.

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THURSDAY, MARCH 25, 2010.

## EVERGLADES COALITION

### WITNESS

#### SARA FAIN

Ms. FAIN. Mr. Chairman, members of the subcommittee, thank you for the opportunity to be here today. My name is Sara Fain and I am here as the national co-chair of the Everglades Coalition. The Everglades Coalition represents 53 environmental and conservation organizations and collectively we represent over 6 million members nationwide, and we have been working for over 25 years to work for the full restoration of the Everglades ecosystem.

So first I want to take this opportunity to thank you for your visionary leadership over the last 17 years in guiding Everglades restoration. We are undertaking something really, really special down in south Florida. This is the most ambitious ecological restoration plan that has ever been undertaken in the history of the world, and we are setting the standard for restoration initiatives nationwide from Puget Sound to Chesapeake Bay, and it is largely because of your example that we are setting the high standard that we have, and I am excited to be able to come here today and talk about a wonderful year that we have had. It has been a momentous year where a lot has been accomplished. The year 2009 brought the highest levels of federal funding ever for the Everglades. We have finally broken ground on the modified water deliveries project, which is building a mile-long bridge along the northern border of Everglades National Park across Tamiami Trail and this will allow water to once again flow back into this park, helping restore critical habitat upon which our unique and biodiverse wildlife depends, and it was this committee that because of your actions has helped to move that forward, so on behalf of the Coalition, I thank you.

We have also celebrated two other groundbreakings. We have broken ground on the C-111 spreader canal western project and the Picayune strand project, and with support in the fiscal year 2011 budget, we hope to break ground on three more projects: Indian River Lagoon, Biscayne Bay coastal wetlands and site one im-

poundments. And all these projects, let's remember, are not just critical pieces of the restoration plan but they are also creating on-the-ground construction jobs in this new restoration economy.

Another great thing that has happened this year is the National Park Service at your direction has been developing a plan for additional bridging along Tamiami Trail, which this will be the ultimate goal in actually fully restoring water flow into one of our Nation's most iconic parks, so it really has been a momentous year and it is largely because of your commitment and leadership that I can come here today and be so optimistic about the future. I hope that we can continue on this momentum. People down in south Florida and nationwide are really, really excited about what is happening in the Everglades and so I would like to ask that you support the Administration's budget for Everglades restoration while also increasing funding for the modified water deliveries project to \$15 million. That would be half of what remains in order to finish building the mile-long bridge along Tamiami Trail and would go a long way to actually start getting some flow back into the park.

I also ask that you provide for the National Park Service's planning efforts in additional bridging along Tamiami Trail and let's just keep setting the bar high for America's Everglades. We continue to set the example for restoration initiatives everywhere.

In closing, it was the foremost protector of the Everglades, Marjorie Stoman Douglas, who said, "There are no other Everglades in the world." And so I hope that we can continue on this path to not only make sure that Everglades is a sanctuary for our wildlife but is also an economic driver, is a source of fresh water for people and that we leave a legacy for our children to be proud of.

[The statement of Sara Fain follows:]



**Statement of Sara Fain  
National Co-Chair, The Everglades Coalition**

**Subcommittee on Interior, Environment, and Related Agencies  
House Committee on Appropriations**

**March 25, 2010**

On behalf of the 53 environmental, civic, and conservation organizations that comprise the Everglades Coalition, which collectively represent over 6 million members and supporters nationwide, I want to thank the Subcommittee for the opportunity to submit testimony regarding the Administration's Fiscal Year 2011 Budget request for Everglades restoration.

For over 25 years, the Everglades Coalition has been dedicated to full restoration of the greater Everglades ecosystem, from the Kissimmee Chain of Lakes into Lake Okeechobee and to the coastal estuaries, through the River of Grass, out to Florida Bay and the Florida Keys.

**The Comprehensive Everglades Restoration Plan**

In 2000, President Bill Clinton signed into law the most ambitious ecosystem restoration project ever undertaken in the world. The Water Resources Development Act of 2000 (WRDA) established the Comprehensive Everglades Restoration Plan (CERP), which aims to restore the Everglades ecosystem to preserve our environment, our water supply, and our economy. This was a monumental accomplishment, and requires a continued commitment from our State of Florida and the federal government for years to come. As part of CERP, Congress granted the Department of the Interior a major role in Everglades restoration as the federal agency responsible for the ecological health and protection of a large part of this ecosystem.

**Momentum for Everglades Restoration**

Ten years later, we are seeing the fruits of our labor to reestablish water flow in order to save America's Everglades. This Congress and the Obama Administration have provided critical leadership to provide funding and make essential progress on job-creating construction projects, and to ensure this program of national significance is successful.

The Coalition is grateful that the Appropriations Subcommittee on Interior, Environment, and Related Agencies has helped create the wave of momentum and progress that Everglades restoration is experiencing. Over the last year, we have participated in three groundbreakings for critical restoration projects. These steps forward include the Picayune Strand project to restore 55,000 acres of wetlands in southwest Florida, Phase 1 of the C-111 Spreader Canal project to restore water flow through Everglades National Park and into Florida Bay, and the Modified Water Deliveries project to bridge a portion of Tamiami Trail to allow water to once again flow into Everglades National Park.

Three other projects, the Site One Impoundment, Indian River Lagoon, and the state of Florida's portion of the Biscayne Bay Coastal Wetlands Phase 1, are ready to break ground. Three additional projects, C-43 Reservoir, Biscayne Bay Coastal Wetlands Phase 1, and the Broward County Water Preserve Areas, are nearing planning completion to be considered for authorization in Water Resources Development Act 2010. This upsurge of construction will result not only in important ecological improvements, but is resulting in the creation of thousands of new green jobs for south Floridians.

The year 2009 brought the highest levels of federal funding ever for the Everglades, and has served as a sign to all Americans that this pioneering restoration effort remains a priority for our federal government. We are encouraged by President Obama's budget for Everglades restoration, which is a \$6 million increase from the funds appropriated in FY2010, and clearly shows his commitment to preserving this unique ecosystem. We hope that this subcommittee will support the President's budget to ensure continued momentum for America's Everglades, as well as fund the Modified Water Deliveries project at \$15 million.

#### **Tamiami Trail and Restoring Flow to Everglades National Park**

One of the greatest impediments to restoring Everglades National Park is the 80 year old road that lies along the northern border of the park. The road, Tamiami Trail, acts as a dam, preventing water from freely flowing along its historic and natural path through the greater Everglades ecosystem from Water Conservation Area 3 into Everglades National Park and out to Florida Bay. This situation has effectively starved the Park of vital water, flooded the northern areas, hindered Everglades restoration, and resulted in the deterioration of the Everglades and Park's unique ecosystems.

As previously mentioned, the first step of addressing this problem began in December 2009 with constructing a one-mile bridge along Tamiami Trail as part of the Modified Water Deliveries project. However, science has shown that much more of this road must be bridged to truly ensure water flows again through the greater Everglades ecosystem and into Everglades National Park.

The 2009 Omnibus Appropriations Act directed the Secretary of the Interior to immediately evaluate the feasibility of additional bridging along Tamiami Trail. This is an unparalleled opportunity for the National Park Service to take steps to fully restore Everglades National Park and advance Everglades restoration by maximizing additional bridging along the Tamiami Trail.

The National Park Service will reveal its draft plan this spring, consistent with the National Environmental Policy Act. We are optimistic that it considers many more miles of bridging, which science has shown is exactly what we need to restore water flow into Everglades National Park. Only with adequate water flow can we hope to restore critical habitat for the diverse wildlife of the Everglades.

The President's budget recommends \$8 million for the Modified Water Deliveries Project, yet the Department of the Interior needs \$30 million to complete the project, and move on to the next phase. This project is a priority for the Secretary of the Interior and this reduced request from the President may be due to national deficit concerns. We urge you to increase this figure to \$15

million so we can complete this 20-year old project as quickly as possible and begin the next steps to restoring the Everglades.

Adequately funding the Department of Interior's projects in Fiscal Year 2011, and appropriating \$15 million for the Modified Water Deliveries project, will enable this progress to continue, and move us closer to achieving ecological benefits.

#### **Everglades Restoration as an Economic Engine**

A healthy Everglades is also vital to the long-term economic sustainability of south Florida. It is the main source of fresh drinking water for 7 million residents. Our primary economic resource – tourism – depends on the Everglades and our natural resources. It is estimated that over \$10 billion is generated annually by natural resource tourism, and employs almost 18,000 people. By ensuring that we protect the Everglades ecosystem, we also ensure the economic viability of south Florida.

Environmental restoration has already shown to be an important part of economic recovery. Unemployment in south Florida has risen dramatically with this economic downturn in particular because of the reduction in construction jobs. Federally funded infrastructure projects related to Everglades restoration are projected to generate 3,000 jobs in construction, engineering, and manufacturing over the next three years. It is clear that investing in Everglades restoration can create both jobs and long-range environmental and economic benefits.

#### **Conclusion**

America's Everglades encompasses some of our most treasured protected places – Everglades and Biscayne National Parks, Big Cypress National Preserve, Florida Keys National Marine Sanctuary, Crocodile Lake, Loxahatchee and Florida Panther National Wildlife Refuges, among many state, local, and tribal owned lands. People come from all over the world to visit this unique and precious place. Restoring America's Everglades is a critical issue to Floridians and Americans alike. Our success will indicate the nation's desire to fix our previous mistakes. As a nation that prides itself on being able to find a way to fix anything, America must continue in its quest to restore an unparalleled wilderness habitat that sustains an enormous diversity of life.

The foremost protector of the Everglades, Marjorie Stoneman Douglas once said, "There are no other Everglades in the world. They are, they have always been, one of the unique regions of the earth; remote, never wholly known. Nothing anywhere else is like them..." By regaining this lost paradise, we can ensure that the Everglades ecosystem becomes not only a sanctuary for wildlife, an economic driver, and a source of freshwater for people, but also a magnificent legacy to bequeath to our children.

Thank you for your continued support of this critical restoration plan for the benefit of all Americans.

Mr. MORAN. Thanks very much, Ms. Fain. I was disturbed at the deal that had been worked out with the State of Florida, Governor Crist and the sugar producer appears to be compromised. For one thing, Florida has run out of money and they signed the deal when real estate values were at their highest level ever, and of course, the sugar producers will not budge an inch. And so what was heralded as major progress has seen something of a setback, and I am not sure what we can do about that but it is troubling.

Ms. FAIN. Well, the good news is that the deal is not completed yet. The deal is still on the table and I think that there are opportunities for negotiations in the price. I think that the important thing is that we have known that the 2000 plan that Congress adopted, the comprehensive Everglades restoration plan, was fundamentally flawed in that it did not provide enough land for storing and cleaning water. We have a willing seller for the first time in a generation who will provide us that opportunity. So I hope that we can find a way within the economic constraints to make this happen.

Mr. MORAN. Well, if they are not willing to show some flexibility, we need to see if we cannot come up with some creative approaches to dealing with them.

Mr. Simpson.

Mr. SIMPSON. Creative approaches.

Mr. MORAN. Well, I am thinking about it. I am not sure what we can do.

Mr. SIMPSON. It scares me when you say "creative approaches."

Mr. MORAN. That is right. Well, I mean that. I did not say it was illegal. I just think that it is a terribly important issue and there ought to be some help given to people when an enormous amount of money has been made off that area down there.

Ms. FAIN. And I can bring back your comments to the State of Florida. I think that they recognize that there are potentially opportunities to make sure that this is a deal that is good for the people in South Florida.

Mr. MORAN. I do not think Governor Crist is the problem. It is not the government in Florida that is the problem.

Mr. Hinchey.

Mr. HINCHEY. Well, I just want to thank you for what you are doing, and what you said is so true. I mean, this committee has been very, very devoted to this for a number of years and we have done a lot of things to help it get better advanced, and the optimism that you express is very encouraging to us, and I agree with what our chairman has just said. There are a lot of things we have to pay very close attention to, and this project is very, very important, and thank you for everything you are doing.

Ms. FAIN. Well, thank you, too.

Mr. MORAN. Thank you for everything you are doing. Thank you very much.

Tom Partin, president of the American Forest Resource Council on behalf of the Federal Forest Resource Coalition. Mr. Partin.

THURSDAY, MARCH 25, 2010.

**FEDERAL FOREST RESOURCE COALITION****WITNESS****TOM PARTIN**

Mr. PARTIN. Thank you. Good morning, Mr. Chairman, Ranking Member Simpson, members of the subcommittee. My name is Tom Partin. I am president of the American Forest Resource Council located in Portland, Oregon. I am testifying here today on behalf of the Federal Forest Resource Coalition. The Federal Forest Resource Coalition is kind of an informal group representing many forest industry trade associations including Intermountain Forestry Association, which Mr. Simpson, I am sure you are very aware of.

Collectively, our members represent every segment of the forestry and wood products industry, and we employ more than 1 million people directly and rank among the top 10 manufacturing employers in 48 states, so we are pretty proud of our record. Our companies depend on the federal forest to provide a consistent and sustainable flow of raw materials to remain in operation. Our members are often located in smaller rural communities and the jobs they provide are the lifeblood for these rural economies. With this in mind, it is easy to recognize that as the Forest Service budget and timber outputs go, so go the health of our forests, our forest products industry and many of America's rural communities.

I am here today to discuss the President's fiscal year 2011 Forest Service budget request. First, let me say that we are very pleased that the President recognizes the importance of the Forest Service and gave the Forest Service an increase. We are very much appreciative of that. However, we have some concerns with the budget. First, we have significant issues with merging the forest products, vegetation and watershed management and wildlife and fisheries habitat line items into a single integrated resources restoration account. The only target for this new account are acres treated, and we fear that the agency will lose the accountability for the timber targets that our industry so desperately needs. Our plants do not operate on acres treated. We need predictability and certainty in the form of timber output targets to be able to plan operations and investments. We strongly urge you to keep timber targets at both the regional and national forest level to ensure the flow of materials we need to survive.

Our second concern is the timber management output target for the 2011 budget is actually down from 2.5 billion board feet in fiscal year 2010 to 2.4 billion in fiscal year 2011. This reduction is contrary to the strong Congressional support in many letters that came to the Administration for increasing timber sales, particularly as they relate to forest health and industry needs. We have recommended an increase from our group of \$57 million to the forest products line item which would bring the 2011 target up to 3 billion board feet. This level of funding would provide a much-needed boost to rural America and speed the restoration of our federal forests which, as you know, are burning millions of acres each year.

A very conservative estimate of jobs created per million board feet of timber harvested is 11.4 new direct and indirect jobs with



an average wage of \$42,300. Therefore, increasing the forest products line item by \$57 million would increase the timber harvest to 3 billion board feet and create 6,600 new jobs nationwide. Quite frankly, we find it very difficult to understand at a time when we need to provide jobs to rural America, you propose reducing timber harvests, thus reducing jobs in our industry. Obviously we are missing 100 million board feet nationwide with this President's budget that came out and we are very concerned about that.

A closer look at the integrated resource restoration line item shows an actual \$26 million increase. However, \$30 million of that would be set aside to implement the Forest Landscape Restoration Act and \$50 million for priority watershed improvement projects. This means a \$54 million actual reduction to the combined budgetary pool, and we fear this could greatly impact forest health projects and the timber outputs again that we do desperately need.

Switching to the hazardous fuels line item, this area would receive a \$9.2 million increase under the budget. In light of the heavy fuels buildup, we feel this is appropriate. However, we think we should take a new direction with this line item, and our group recommends that Congress should integrate hazardous fuels dollars with national forest system dollars for fuels work in some of the higher condition class areas. This integration could also fund the \$80 million for the landscape restoration and watershed programs.

We are also concerned about the language that directs a higher percentage of the work to be focused on wildland-urban interface area. Now, I will not disagree that the WUI areas are really important. However, a higher percentage of the class 2 and class 3 forests where the big fires really start are located in the general forested areas away from the wildland-urban interface. We need to put more focus and more of our dollars and efforts towards these extreme forest class condition areas.

Finally, we disagree with the \$118 million proposed cut to the capital improvement and maintenance budget. The elimination of all new road construction and reconstruction will undercut the agency's ability to sell many timber sales that are already through the NEPA process and ready to go and it will prevent maintaining a roads infrastructure already located out there in the forest that many of our public besides just the manufacturers really depend on.

In short, again, the health of our forests, our forest products industry and our rural communities are based on the Forest Service budget. We really would request that you increase the forest products line item by \$57 million to get our harvest up to 3 billion board feet and put 6,600 people back to work. Thank you for taking my testimony.

[The statement of Tom Partin follows:]

**Testimony before the**  
**United States House Committee on Appropriations**  
**Subcommittee on Interior, Environment and Related Agencies**  
**Regarding the**  
**F.Y. 2011 President's Budget Request for the U.S. Forest Service**  
**by**  
**Tom Partin, President**  
**American Forest Resource Council, Portland, Oregon on behalf of**  
**the Federal Forest Resource Coalition**  
**March 25, 2010**

Good morning, Mr. Chairman, and members of the Subcommittee. My name is Tom Partin and I am President of the American Forest Resource Council located in Portland, Oregon. I am testifying on behalf of the Federal Forest Resource Coalition.

The Federal Forest Resource Coalition is an informal coalition representing forest industry trade associations from across the United States. Collectively, our members represent every segment of the forestry and wood products value chain, from loggers and landowners to lumber, panel, pulp, and paper mills. forest industry employs more than one million people directly and ranks among the top 10 manufacturing employers in 48 states. Lumber, panel, pulp, and paper mills are frequently the economic hub of their communities, making the industry's health critical to the economic vitality of countless communities in every region of the country. A complete list of Coalition members is included with this testimony.

Our member companies depend on the federal forests to provide a consistent and sustainable flow of raw material and many of our members are the last milling and skilled logging infrastructure in their area. Without this infrastructure it will be impossible for the U. S. Forest Service (USFS) to maintain the health of our federal forests. We've seen this play out first hand in the southwestern United States.

Our members are often located in small, rural communities, and the jobs they provide are often the lifeblood of those rural economies. Many of our companies face extreme difficulty securing sufficient log supplies, making increased outputs from the Forest Service extremely critical. With this in mind, it's easy to recognize that as the Forest Service budget and timber outputs go, so go the health of our forests, our forest products industry, and many of America's rural communities.

I am here today to discuss the President's F.Y. 2011 Budget Request for the Forest Service and some concerns that our coalition has with the proposal. First let me say that we are very pleased that the

President recognizes the importance of the Forest Service and has proposed an overall increase in funding for the agency. I believe this is in recognition of the vast amount of work that needs to be done within the National Forest System (NFS) to provide the clean water and air, forest products, and other amenities that the public has come to expect from its national forests. Our members are integral to the Forest Service's ability to accomplish on-the-ground restoration.

The F.Y. 2011 budget request, however, raises several concerns. First, we have significant issues with the proposed merger of the Forest Products, Vegetation and Watershed Management, and Wildlife and Fisheries Habitat line items in the NFS budget into a single "Integrated Resource Restoration" account. We are particularly concerned that the only target for this new account is "Acres Treated," and we fear that the lack of a timber output target and accountability for that target will inevitably lead to less timber harvested. In addition, the three line items are not comprehensive. The Hazardous Fuel Reduction funds also play a major role in restoring the dead and dying forests of the West and we question the rationale for excluding them from the proposal.

Our members need predictability and certainty in the form of timber output targets to be able to plan operations and investments. We also believe the Forest Products line item is one of the few programs with targets upon which the public can judge agency performance. Historically, there has been a direct correlation between the Forest Products line item funding and expected timber harvests. Combining these three line items and evaluating USFS performance solely on acres treated or watersheds improved is likely to take away the goals and incentives to produce a predictable volume of timber from year to year. Further, not all forest management is 'restoration' and very few forest plans, which have been developed at great cost of time and money, provide direction for 'forest restoration'.

Moreover, while the Administration is proposing a \$26 million increase in the combined proposed "Integrated Resource Restoration" account over the F.Y. 2010 enacted level, \$30 million would be set-aside to implement the Forest Landscape Restoration Act and \$50 million for "priority" watershed improvement projects. This funding will be removed from the combined budgetary pool and will be subject to competition between Regions and Forests. We are concerned that the temporary nature of this type of competitive funding will prevent forests from hiring the staff needed to plan and prepare long-term management programs. So, while the overall account would increase by \$26 million, this \$80 million will be applied to "offline" programs with uncertain outputs. When the Forest Landscape Restoration Act was considered by Congress, it was with the concept of new, additional funding that would not reduce current program funding.

We believe further study is appropriate and suggest that the Forest Service first test the proposal in F.Y. 2011 through an administrative pilot program on individual forests before implementing the concept nationally. A single "one-size-fits-all" approach simply cannot deal fairly or effectively with the diverse conditions found on national forests across the country. If this subcommittee does move forward with the proposal, we believe it is necessary for Congress to: (1) add the "Hazardous Fuels" line item; (2) allocate funding between the four line items; and (3) include output targets and reporting requirements for sawlogs, biomass, fuel wood and other convertible products associated with the forest products line item.

Our second concern is that the National Forest Timber Management output target in this budget is being reduced from 2.5 billion board feet in F.Y. 2010 to 2.4 billion board feet in F.Y. 2011. This trend is contrary to the strong congressional support for increasing timber outputs consistent with forest health needs and industry infrastructure retention efforts. The agency's current forest plans show the Allowable Sale Quantity to be over 6 billion board feet annually. We strongly believe that both the budget for forest management and the associated timber output targets should be increasing. We have recommended in our attached charts that an increase of \$57 million to the forest products line item would bring the F.Y. 2011 target up to 3.0 billion board feet. This level of funding would provide a much needed boost to rural America and speed the restoration of our federal forests while still falling well below the levels outlined in the forest plans.

The health of our forests and the forest program are closely linked to the unemployment rate in rural America. When many of our rural communities have unemployment rates nearing 20 percent, investing in the USFS timber program is a very effective job creator. The quickest and most efficient way to lower the unemployment rate in many rural communities is to rebuild the forest program up to the level allowed under existing approved forest plans.

A very conservative estimate of jobs created per 1 million board feet of timber harvested is 11.4 new direct and indirect jobs with an average wage of \$42,300. Therefore, increasing the F.Y. 2011 Forest Products line item by \$57 million would increase the USFS timber harvest level to 3.0 billion board feet and create 6,600 new jobs. And an investment of \$151 million would increase timber harvests to 4.0 billion board feet and create over 16,000 new jobs.

The Hazardous Fuels line item would receive a \$9.2 million increase under the Budget Request. Given the heavy fuels buildup and fire risks that many of our national forests are facing we believe this is an important program. However, we believe the Congress should either consider including this line item entirely within the JRR line item or directing that all or most of the \$90 million price tag for the Landscape and Watershed Restoration programs come out of the Hazardous Fuels line item. We are also concerned about the language that directs a higher percentage of the work to be focused in Wildland Urban Interface (WUI) areas. While WUI areas are undoubtedly important for the protection of property and lives, a higher percentage of the Class II and Class III fire class forests are found in the general forested area and not in the WUI. Further, we believe that by first mechanically treating these condition class II and III lands in the general forested areas, there will be an opportunity to take better advantage of the merchantable products to get more meaningful treatment accomplished. We request that a more proportionate percentage of hazardous fuels fund be directed to the WUI areas, perhaps 50 percent.

The Wildland Fire Management funds were increased by \$333.2 million primarily because of implementation of the FLAME Act. We applaud the members of this subcommittee for addressing this issue in the F.Y. 2010 bill. We strongly recommend that these funds are used at appropriate levels that would cover the cost of emergency fires and eliminate the need to transfer funds from non-fire programs. Significant disruptions have occurred in other NFS programs in prior years because of the necessity to borrow funds for firefighting. Repayment of borrowed funds has often lagged, further deterring and setting back needed forest management projects.

We also have significant concerns with the \$118 million cut proposed to the USFS Capital Improvement and Maintenance Budget, which among other things funds road maintenance activities. Of particular

concern is the elimination of all new road construction or reconstruction, which will likely have a devastating effect on forest management programs. The budget also appears to have a disproportionate reduction in miles of maintenance and decommissioning. It has been estimated that the agency has a \$10 billion maintenance backlog and it is hard to understand how a cut of this magnitude is consistent with addressing this backlog or accomplishing maintenance and decommissioning activities, where appropriate.

Finally, we agree that an updated and streamlined stewardship contract is needed. However, we urge the Forest Service to keep a full suite of contracting options, including timber sale contracts, available for the sale of forest products. The current timber sale contract should be used when it is the best option, and its use should be at the discretion of the USFS line officers developing such projects. We strongly encourage you to eliminate all references to “above cost/below cost” for Stewardship or Timber Sale Contracts. Such language misses the point about how these are merely contract mechanisms to accomplish the same goal —forest health management and restoration.

On behalf of the Federal Forest Resource Coalition, thank you for the opportunity to be here today. I would be happy to answer any questions.

Mr. MORAN. Thank you, Mr. Partin. Thank you very much.  
 Brian Moore is the legislative director of the Audubon Society.

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THURSDAY, MARCH 25, 2010.

## AUDUBON SOCIETY

### WITNESS

#### BRIAN MOORE

Mr. MOORE. Good morning, Mr. Chairman, Mr. Simpson, Mr. Hinchey, and Mr. Chairman, congratulations on your new assignment as chairman of the subcommittee. We are very supportive of it, and the Audubon Society has a long relationship with you and the subcommittee, and we are glad to be here to be able to present our views on a few parts of the Department of Interior budget as well as the Environmental Protection Agency.

Our main focus for the National Audubon Society is protecting and establishing habitat for birds and wildlife and so there is certain programs within both agencies that we particularly like to focus on.

Mr. MORAN. You begin by making recommendations for fiscal year 2012. Did you want to focus on 2012?

Mr. MOORE. No, sir, I did not. I have a revised testimony. That was a typographical error. I apologize for that and I have a new copy for you.

Mr. MORAN. I was giving you credit for a visionary approach.

Mr. MOORE. I apologize for that.

Mr. MORAN. You decided there is not much you can do about this year but let's try in 2012 to do a better job.

Mr. MOORE. I think we can do a lot this year, and even more in 2012.

Mr. MORAN. Sorry for the interruption.

Mr. MOORE. No, no. It is your committee. You interrupt as you please.

The first thing that I would like to talk about is the restoration of the Everglades, and I know you have already heard about the Everglades. It is also a key priority for the National Audubon Society. We think last year was a monumental year for the Everglades, especially with the groundbreaking on the Tamiami Trail and other groundbreakings as well, and one funding recommendation we would give this year and also for 2012 would be \$15 million in 2011 and then \$15 million in 2012 for the modified water delivery program. We think that would complete that program, which would then free up the Park Service and this committee to begin to work on new projects within Everglades and create an ever greater restoration amongst that ecosystem. There are also other recommendations in that but I think you have heard them from the Everglades groups.

Our second priority of course is the Land and Water Conservation Fund. We agree with many other groups that that fund should be increased to about \$425 million with \$175 million of it going to the stateside program. We have many priorities with the LWCF. They are not limited to, but they include many refuges that have

received funding in the past. They are the Silvio Conte National Wildlife Refuge, the Stewart McKinney National Wildlife Refuge, the Cash River National Wildlife Refuge in Arkansas, and of course the James River National Wildlife Refuge in your State of Virginia.

We focus heavily on the national wildlife refuge system because we believe it is one of the federal units of land that provide the greatest habitat for birds, wildlife, migratory species and recreation for all Americans and so we call on this committee to continue your good work to increase the funding for the national wildlife refuge system to about \$578 million. We think that is a fair number to increase the operations and maintenance of that agency as well as to maybe add some increased capacity to it.

We are also very encouraged by the Administration's proposal that within that request they would move around \$5 million to the wildlife refuges within the Louisiana-Mississippi coastline to help restore some of the damage created by Hurricane Rita, Hurricane Katrina and Hurricane Ike. Those are still ongoing issues and those communities are still recovering and so are those refuges. So we are pleased with that and we encourage both full funding for the refuge system as well as some dedicated funding or funding towards America's coastline.

Of course, we are the Audubon Society and birds are very important to us. One program this committee has always shown great support for is the Neotropical Migratory Bird Conservation Act. We support a funding level this year of \$6.5 million for that program. It requires a three to one match to the Federal Government on that program, but in reality, it receives about a four to one match. We think this is an important year for that program because it is up for reauthorization, so proving to not only this committee but to the Administration that these funds are spent well and that the Congress and the authorizing committees can look at it as a success. It is important for the reauthorization of that program to show continued success for it and their ability to successfully spend the dollars that they received. The program is also very important to the Audubon Society.

And finally, we of course have many other priorities but one more is the restoration of Long Island Sound, and we greatly commend this subcommittee. You nearly doubled the funding, or I think you more than doubled the funding for that program from the previous fiscal year to the one we are in now, and we would like increased funding for that program. We think that that office has shown the ability to effectively spend that money, and the same way with the Neotropical Migratory Bird Conservation Act, that program is up for reauthorization this year. I believe many of the efforts to reauthorize it coincide with the way this committee has spent money for it, meaning there were two authorized programs. This committee has wisely chosen to fund it as one line item and that is the way the reauthorization legislation is moving this year. So to have those things coincide we believe helps the reauthorization of that important program because it is an ecosystem that is often overlooked and it is important to us and it is important to the fifth of the population, I believe, that lives within that watershed.

So those are our recommendations, and they are short, and there are many more in the written testimony, and I do appreciate your time.

[The statement of Brian Moore follows:]



**Brian Moore**  
**Legislative Director**  
**National Audubon Society**  
**Testimony for the House Interior Appropriations Subcommittee**  
**March 25, 2010**

Mr. Chairman, on behalf of over one million members and supporters of Audubon, thank you for the opportunity to express to your Committee our recommendations for Fiscal Year 2012 funding of Department of the Interior and Environmental Protection Agency programs.

**Audubon has been protecting birds and other wildlife and the habitat that supports them for over 100 years. Our national network of community-based nature centers and chapters, scientific and educational programs, and advocacy on behalf of areas sustaining important bird populations, engage millions of people of all ages and backgrounds in positive conservation experiences.** The purpose of our testimony is to recommend levels of funding for specific programs that are vital to our mission.

**I. Everglades Restoration**

We are grateful to the Committee for its long-standing support of Everglades restoration through the appropriations process and in important appropriations-related issues such as the Modified Water Deliveries project and Everglades science coordination. Restoration of the Everglades has seen a landmark step forward with the ground breaking of the Tamiami Trail, but is still is at a critical juncture. Keeping Everglades restoration on schedule and the Federal/Florida partnership strong requires significant federal investment in the next fiscal year.

The long anticipated Modified Water Deliveries to Everglades National Park (Modified Waters) will be completed by 2010, but only if fully funded over the next year. Audubon remains supportive of completing the Modified Waters Delivery project as quickly as is practicable. We believe project could be complete with an appropriation of \$15 million in FY11 and an additional \$15 million in FY12 A provision in the authorizing language of CERP (WRDA 2000) prevents construction of key restoration projects until Modified Waters is finished.

<b>Interior</b>	
Modified Water Deliveries to Everglades National Park	\$15 million
CERP – USFWS & NPS Science and Planning	\$10 million

**II. Land Conservation, Preservation and Infrastructure Improvement Fund (LCPPI)**

**Land and Water Conservation Fund (LWCF):**

We urge the Committee to **appropriate \$425 million for LWCF, with \$175 million allocated to the stateside LWCF program**, to combat the rapid rate of habitat loss threatening America's native birds and wildlife.

**State Wildlife Grants:**

This valuable program provides matching grants for design and implementation of habitat and wildlife conservation plans and allows states to conserve and restore declining native species

prior to a necessity to list them as endangered or threatened. **Audubon supports funding SWGs at \$115 million in FY 2011.**

### **III. US Fish and Wildlife Service (FWS)**

#### **National Wildlife Refuge System:**

America's Refuge System faces a massive multi-billion dollar backlog of operations and maintenance needs that is widely recognized as a handicap to Fish and Wildlife Service efforts to conserve and protect the System's more than 94 million acres of prime habitat for more than 2,000 bird and wildlife species. Increased funding is needed to provide adequate services for the millions of birdwatchers, sportsmen, and others who enjoy the outdoors at their local wildlife refuges. We call on the Committee to **increase funding for the National Wildlife Refuge System to \$578.3 million.**

#### **Endangered Species Program:**

We firmly believe that the Endangered Species Act is one of our nation's most important environmental laws. We continue to be disappointed that the Endangered Species Program has not been funded at the level needed to fully carry out its critical purpose of preventing the loss of irreplaceable species and biological diversity. We urge the Committee to appropriate a total of \$217.4 million for the four endangered species operations accounts, allocated as follows: \$32 million for Listing; \$15 million for Candidate Conservation; \$95 million for Recovery; and \$75 million for Consultation.

#### **Neotropical Migratory Birds and the Multinational Species Fund:**

The Neotropical Migratory Bird Conservation Act (NMBCA) passed the Congress in order to reverse the decline of migratory birds that breed in the U.S. by protecting their habitats in Latin America and the Caribbean. Approximately 500 of the existing 800 species of birds found within the United States migrate across the nation's borders annually. For a great number of these species, this region contains almost the entire world population of these birds in the non-breeding season. The demand on this program is great, despite its' 3:1 match requirements. Every year since the programs inception, the demand has outstripped the supply of grant dollars. We appreciate the Committee's support for this program in past years, and hope to see that support continue, in light of the importance of conservation grant programs that are highly leveraged, and in light of the high demand on the program. **We respectfully request that \$6.5 million be appropriated in FY 2011.**

#### **Migratory Bird Management (MBM) at FWS:**

The Division of Migratory Bird Management, an asset to bird population conservation efforts, requires funding for the survey and monitor of migratory bird populations, use of sound science as a management tool, coordination of activities with other agencies, governments and NGOs, and the completion of conservation plans. We urge the Committee to fund the DMBM at \$68.5 million in FY 2011.

#### **North American Waterfowl Management Plan, Joint Ventures:**

Beginning in 2001, Congress recognized the effectiveness of the Joint Venture regional conservation approach by ramping up the level of administrative funding to organize this effort. That support continued through 2004 when full funding was realized to develop the capacity

necessary to carry out the work spelled out by the North American Waterfowl Management Plan for wetland habitat conservation. Congress should be commended for its part of this important partnership, as it was the pivotal link that ensured ongoing success for all partners. Congress' continued commitment to the cause of cooperative conservation cannot be overstated, for without Congressional support, accomplishment by Joint Venture partners would be far less significant. We respectfully encourage the Committee to fund Joint Ventures at \$18 million in FY 2011.

<b>US Fish and Wildlife Service</b>	
<b>Endangered Species Program</b>	<b>\$217 million</b>
- Listing	\$32 million
- Candidate Conservation	\$15 million
- Recovery	\$95 million
- Consultation	\$75 million
<b>Neotropical Birds and the Multinational Species Fund</b>	<b>\$6.5 million</b>
<b>Migratory Bird Management</b>	<b>\$68.5 million</b>
<b>North American Waterfowl Management Plan, Joint Ventures</b>	<b>\$18 million</b>

#### **IV. US Forest Service (USFS)**

##### **International Programs:**

Audubon strongly urges the Committee to provide \$16 million to these under-funded programs in FY 2011. The President's budget request cuts needed funds from this valuable program, and the recommended funding level would halt assessment work of shrimp farming impacts on bird populations in Mexico, would disallow migratory bird habitat restoration work along the Sinaola coast. It would require 50% cuts in restoration work on the Nariva RAMSAR wetland site in Trinidad-Tobago, and would stop work on a number of other important bird habitat improvements in Mexico, Central and South America, where a good percentage of our backyard songbirds spend the winter.

Unfortunately, many migratory birds are experiencing rapid population decline due mainly to the loss of habitat outside of the United States. Adequate support for the Migratory Bird Conservation work performed by the Forest Service is essential, and would allow important conservation efforts for species such as the Kirtland's Warbler, Swallow-Tailed Kite, Cerulean Warbler, Bicknell's Thrush, and the Mountain Plover. Without restoration of the budget cuts proposed, these migratory bird species will likely continue to decline and may ultimately face extinction.

<b>US Forest Service</b>	
<b>International Programs</b>	<b>\$16 million</b>

#### **V. US Environmental Protection Agency**

##### **Great Lakes Restoration**

The Great Lakes hold one-fifth of the world's fresh surface water supply. They support the economy through agriculture, industrial farming, steel production, commercial and sport fisheries, and recreation and tourism. More than 150,000 Americans work in the Great Lakes' shipping industry, which provides passage for approximately 180 million tons of cargo annually.

The economic benefits in the Great Lake states are more than \$15 billion for hunting, fishing, and wildlife watching.

Despite their vast expanse, the Great Lakes are fragile and in peril. Raw sewage contaminates beaches, invasive species threaten native fish, and toxic mercury makes fish unsafe to eat. Action must be taken now or the entire Great Lakes ecosystem will be damaged beyond repair. Funding is needed to restore the health of the Great Lakes. Every day the problems intensify and the solutions become more costly.

<b>Great Lakes</b>	
<b>Clean Water State Revolving Fund</b>	<b>\$475 million</b>
<b>Great Lakes Legacy Act</b>	<b>\$54 million</b>
<b>Beaches Environmental Assessment and Coastal Health Act</b>	<b>\$30 million</b>
<b>Great Lakes National Program Office, EPA</b>	<b>\$25 million</b>
<b>Great Lakes Fish and Wildlife Restoration Act</b>	<b>\$8 million</b>

#### **Long Island Sound Restoration**

The Long Island Sound Restoration Act strives to protect and restore the environmentally and economically vital resources of the Sound. In 1985, the Sound was one of the first three estuaries recognized under the National Estuary Program because it provides feeding, breeding, nesting, and nursery areas for a diverse variety of plant and animal life. The Sound also contributes an estimated \$5.5 billion per year to the regional economy from commercial fishing, sport fishing, and recreational activities. More than 8 million people live in the Long Island Sound watershed, and the resultant development has led to increasingly poor ecosystem health.

Last year the Long Island Sound received a record \$7 and we are very grateful for the growing attention Congress has given this vital ecosystem. We encourage funding the restoration of the Long Island Sound at a level of \$20 million in 2011 in order to expand and continue this valuable program.

<b>Long Island Sound</b>	
<b>Long Island Sound Restoration</b>	<b>\$20 million</b>

Thank you for providing us with this opportunity to testify on Audubon's priorities for the Department of the Interior. I appreciate the fact that this is a large agenda, but the problems facing America's birds, wildlife and their habitat are daunting. We look forward to working with you to protect America's birds, wildlife and habitat.

Mr. MORAN. Thank you. It is comprehensive testimony. Thank you very much, Mr. Moore.

Mr. SIMPSON. Let me ask one question.

Mr. MORAN. Please, Mr. Simpson.

Mr. SIMPSON.1 Does the Audubon Society support the Fish and Wildlife Service's land conservation cooperatives?

Mr. MOORE. I am not sure we have created an opinion on that, Mr. Simpson. I will have to get back to you on that.

Mr. SIMPSON. I appreciate it. Thank you.

Mr. MORAN. Mr. Moore, thank you very much.

Dr. Bruce Stein, associate director of the Wildlife Conservation and Global Warming, National Wildlife Federation. Dr. Stein.

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THURSDAY, MARCH 25, 2010.

## NATIONAL WILDLIFE FEDERATION

### WITNESS

#### BRUCE STEIN

Dr. STEIN. Thank you very much, Chairman Moran, Mr. Simpson, Mr. Hinchey. On behalf of the National Wildlife Federation, which is the Nation's largest conservation advocacy and education organization, we have got more than 4 million members and supporters, we thank you for the opportunity to provide testimony on the fiscal year 2011 budget.

Our written testimony covers a wide range of agencies and issues commensurate with the wide range of our organizational interests, but today I want to focus on just four issues: climate change adaptation, state wildlife grants, renewable energy siting and the U.S. Forest Service's proposed budget reorganization.

Regarding climate change adaptation, the National Wildlife Federation is strongly supportive of the \$35 million increase in Department of Interior activities relating to preparing for and coping with the effects of climate change on our natural resources, and this does include the implementation expansion of the network of landscape conservation cooperatives, so Mr. Simpson, we are very supportive of that effort. We do recognize, however, as we mention in our written testimony, that there are and will be growing pains in any such program of that sort and there is a need for increased cooperation and communication among the federal agencies and with the states but we see the focus on landscape-scale conservation and bringing good science to bear on identifying what is going to be needed in the face of climate change to be absolutely essential. We are also supportive, by the way, of the U.S. Geological Survey's Wildlife and Climate Change Science Center which this committee has been so supportive of, again bringing to bear very important scientific expertise on how we address this central challenge of our time.

Turning to state and tribal wildlife grants, this is a program that is really one of the Nation's core efforts to ensure that wildlife populations remain healthy across the country and do not become endangered. The National Wildlife Federation has been working with quite a number of states to help them make these plans climate-

smart, to incorporate the necessary science and on-the-ground conservation activities that will be needed to ensure that this wildlife survives in an era of rapid climate change, and we would specifically recommend \$100 million in funding in fiscal year 2011 for this program, which is a \$10 million increase over what the President has requested.

Transitioning to a clean energy economy is really one of the greatest challenges facing the Nation and we are very supportive of the President's New Energy Frontier Initiative in the Department of Interior, which would invest \$73 million in new renewable energy programs, and although the program does recognize that not all lands with renewable potential are appropriate for development, we are concerned that the Department does not yet have the necessary policy guidance to avoid significant impacts on wildlife in their habitats through renewable and transmission siting, so this is something that we think really needs to be attended to. We are, however, very supportive of the Department's commonsense budget proposals for reducing extravagant subsidies to the oil and gas industries including a new fee on non-producing wells.

And finally, just wanted to discuss the Forest Service's proposed integrated resource restoration budget line item. This proposal combines forest products, wildlife and fisheries and vegetation management into a single \$694 million budget item, and although we are generally supportive of the intent of this, which is to get the Forest Service doing more large landscape and watershed restoration, integrated restoration, we are concerned that by doing this, the wildlife component of the budget is at risk of declining due to lack of budget transparency. We have seen similar things happen in the past when endangered species, for instance, no longer are a separate budget line item and the investment and their management and Forest Service activities has appeared to decline, although it is difficult to tell for sure. And so if this budget realignment is put in place, we would encourage the development of robust program monitoring and oversight to ensure the continued commitment to the delivery on wildlife and fisheries objectives.

So Mr. Chairman, I appreciate the opportunity to appear.

[The statement of Bruce Stein follows:]

**Dr. Bruce A. Stein**  
**Associate Director, Wildlife Conservation and Global Warming**  
**National Wildlife Federation**

**Testimony on FY 2011 Appropriations**  
**House Appropriations Subcommittee on Interior, Environment & Related Agencies**  
**March 26, 2010**

On behalf of the National Wildlife Federation (NWF), the nation's largest conservation advocacy and education organization, and our more than four million members and supporters, we thank you for the opportunity to provide FY 2011 funding recommendations for the Department of the Interior and other agencies under the purview of this Committee.

We understand the administration and the Subcommittee face difficult choices in these challenging economic times, and we are pleased with several of the major initiatives in the President's FY11 budget proposal. We commend the Subcommittee for its efforts to strengthen the scientific and planning capacity to address climate change impacts on wildlife through landscape-level conservation and management, rapidly increasing the capacity for appropriately sited renewable energy and transmission on public lands, and facilitating essential acquisition of key habitat through a commitment to the Land and Water Conservation Fund.

**CLIMATE CHANGE ADAPTATION AND LANDSCAPE-SCALE CONSERVATION**

The proposed budget includes a much-needed \$35 million increase over the enacted FY10 budget to support on-the-ground adaptation at several agencies. **NWF is strongly supportive of the \$171 million requested for the Department of the Interior budget to help agencies assess and respond to the impacts of climate change on wildlife.** We are particularly pleased to see investments in Landscape Conservation Cooperatives designed to engage and integrate agencies from across the Department and with external partners.

**PROMOTE RENEWABLE ENERGY AND LIMIT FOSSIL FUEL SUBSIDIES**

Transitioning to a clean energy economy is one of the great challenges facing the nation. **NWF supports the New Energy Frontier initiative in the President's FY11 budget, which invests in development of clean energy resources on public lands** while acknowledging that not all lands with energy potential are appropriate for development. This initiative would invest \$73.3 million in renewable energy programs, a \$14.2 million increase over FY10. Because it is essential that applications are sited appropriately, we strongly support proposed investments in new studies of wildlife impacts, site-specific environmental studies, and regional analysis of wind energy zones. We remain concerned, however, that the Department lacks the necessary policy guidance to support the targeted build out on public lands without incurring significant impacts to wildlife and other natural resources.

**NWF also strongly supports the Department's common-sense budget proposals for reducing extravagant subsidies to the oil and gas industry,** including a new fee for non-producing leases. To confront climate change, promote cleaner sources of energy, and enhance our national security, we will need to phase out tax breaks and subsidies to the most carbon intensive fuels.

## **I. U.S. FISH AND WILDLIFE SERVICE**

### State and Tribal Wildlife Grants

The State and Tribal Wildlife Grants program is the nation's core program for preventing wildlife from becoming endangered in every state. It provides state wildlife agencies and their partners with a broad suite of proactive conservation tools to allow for meaningful and cost-effective species conservation. At the heart of this program is implementation of federally approved wildlife action plans. We urge Congress to honor its commitment to this important effort and respectfully **request that the subcommittee provide State Wildlife Grants funding of \$100 million**, an increase of \$10 million over FY10 enacted levels.

### Endangered Species Program

The Endangered Species Act (ESA) is a safety net for wildlife, plants, and fish that are on the brink of extinction. While the Act has been extraordinarily successful in preventing the extinction of plants and animals, funding for its implementation has eroded significantly over the past few years. We are dismayed with the President's proposal to virtually flat-fund the program, and are particularly concerned about decreases in the listing and candidate conservation programs. **We urge the Subcommittee to appropriate at least \$217 million in FY11 toward the Endangered Species Program** (\$38 million above FY 10 enacted) as follows: Listing (\$32 million), Recovery (\$95 million), Consultation (\$75 million), and Candidate Conservation (\$15 million).

### National Wildlife Refuge System Operations and Maintenance

The National Wildlife Refuge System is a monumental part of the public lands systems in the United States. It is home to endangered species, migrating birds, rare flora and fauna, and retreat for hunters and anglers nationwide. The Refuge System will also play a crucial role for wildlife as the impacts of climate change continue to increase. Unfortunately the President's FY11 budget reflects cuts to a system that must be able to lead the way in a warming climate. The National Wildlife Federation, in support of the Cooperative Alliance for Refuge Enhancement (CARE), **recommends \$578.3 million for Operations and Maintenance for the National Wildlife Refuge System.**

### Conservation Planning Assistance

The Conservation Planning Assistance (CPA) branch delivers on-the-ground conservation of wetlands and other high-value habitats through environmental review and technical assistance. Base funding and staff levels for this program have significantly eroded over the past 15 years, and that erosion continues, despite increased demands for CPA expertise. As a first step in restoring the agency's capacity to deliver on-the-ground habitat conservation, **we urge the Subcommittee to appropriate \$32.3 million in FY 2011 toward the Conservation Assistance Program's "General Program Activities" account** (\$6 million above the FY11 request).

### Youth in Natural Resources

We greatly appreciate the Subcommittee's strong support in FY10 for Secretary Salazar's Youth in Natural Resources initiative, which will reach and educate youth from all backgrounds about our nation's lands, waters and heritage, while providing employment opportunities to youth to protect our resources and restore our environment. We urge the Subcommittee to continue to grow this program and **recommend a funding level of \$56.6 million** (an increase of \$20.5 million over FY10 enacted).



## II. U.S. GEOLOGICAL SURVEY

### National Climate Change and Wildlife Science Center

The National Climate Change and Wildlife Science Center is an important initiative for improving the scientific support required to successfully cope with the challenges of a changing climate. **NWF is supportive of the proposed \$8 million increase in funding for the center in FY2011.** We would note, however, that following the issuance of the Secretarial Order on Climate Change and the establishment of several Landscape Conservation Cooperatives, there is a need to clarify and better communicate roles and responsibilities within the Department regarding climate change planning and science.

## III. BUREAU OF LAND MANAGEMENT

### National Landscape Conservation System

The National Landscape Conservation System is our newest public lands system containing 26 million acres of some of the most beautiful and best places in the American West. It recently received permanent status through the Omnibus Public Lands Act of 2009; however it was created in 2000 and this year will be the 10th anniversary of the system. As its status continues to rise, the system continues to be plagued with inadequate funding and lack of budget clarity. It is becoming more difficult to meet its core responsibilities and manage the growing number of visitors. **Therefore we recommend FY11 NLCS funding of \$100 million for operations, maintenance and planning.**

## IV. BUREAU OF INDIAN AFFAIRS

### Trust - Natural Resources Program

The primary function of the Trust - Natural Resources Management program is to assist tribes in the management, development, and protection of Indian trust land and natural resource assets. Due to significant unmet annual needs for tribal natural resource management, and the historic underfunding of tribal natural resource programs, NWF is concerned about the proposed \$17.2 million decrease in this program for FY11, and **recommends maintaining the FY10 enacted level of \$175.62 million.** Of the funds requested for this program, just \$0.2 million are a part of the Department's Climate Change Initiative. Given the disproportionate impact that climate change will have tribal lands in Alaska and elsewhere, we would encourage more robust BIA funding to engage the tribes in preparing for and adapting to the impacts of climate change.

## V. U.S. FOREST SERVICE

### Integrated Resource Restoration

The FY11 budget proposal combines the Forest Products, Wildlife & Fisheries, and Vegetation & Watershed line items into a single \$694 million budget item. The stated intent of this realignment is to shift away from traditional commercial forestry objectives and towards large-scale ecosystem restoration and stewardship. NWF is supportive of the intent to focus more on landscape-scale management and restoration, but has concerns about the potential for funding related to wildlife, rare plants, and habitat to be obscured through this realignment and possibly decreased during the course of program implementation. We would encourage the development

of robust program monitoring and oversight to ensure continued commitment to delivery on wildlife & fisheries objectives.

#### VI. LAND AND WATER CONSERVATION FUND

The federal acquisition portion of the Land and Water Conservation Fund is the primary tool for the federal government for acquisition of land for valuable wildlife habitat and open space. The stateside portion is vitally crucial to providing a place for children and families to connect with nature. However, in recent years LWCF has been severely underfunded, in direct contrast to the intention of the original program. NWF is pleased to see this administration increasing the funding levels of this program, and **we strongly recommend a budget of \$425 million for federal land acquisition, and \$175 million for the stateside program.**

#### VII. ENVIRONMENTAL PROTECTION AGENCY

##### Greenhouse Gas Reductions and Inventory

NWF applauds the President's call to reduce greenhouse gas (GHG) emissions in the range of 17% below 2005 levels by 2020 and more than 80% by 2050. **NWF strongly supports the FY11 request of \$43 million in new funding** for EPA programs to help achieve these goals under existing Clean Air Act authority. This funding would cover regulatory development activities covering mobile and selected stationary sources, as well as technical assistance to support states' permitting activities. These efforts are critical to combat climate change, meet our emission reduction pledges under the Copenhagen Accord, and comply with the Supreme Court decision in *Massachusetts v. EPA*.

NWF also supports the President's **request of \$21 million for continued implementation of the Greenhouse Gas Reporting Rule**. These activities are essential for ensuring that the agency has sufficient quality data to guide climate policy development.

##### Ecosystem Restoration Initiatives

America's Great Waters are the lifeblood of our nation. Sustained, consistent restoration funding is crucial for the implementation of multi-year, complex ecosystem restoration plans. NWF is **fully supportive of the proposed increase of \$13 million for EPA's Chesapeake Bay Program Office** (FY11 request of \$63 million). We are concerned, however, about significant proposed funding decreases for several other regional efforts, and urge Congress to maintain FY10 funding levels for the following ecosystems: **Great Lakes Restoration Initiative (\$475 million vs. \$300 million requested); Puget Sound geographic program (\$50 million vs. \$30 million requested); Long Island Sound geographic program (\$7 million vs. \$3.8 million requested); and Lake Champlain geographic program (\$4 million vs. \$1.4 million requested).**

##### National Environmental Education Act Programs

EPA's Office of Environmental Education implements highly successful, nationwide environmental education programs. Investment in these programs must ramp up quickly to prepare Americans for the clean energy economy, keep America competitive, and foster innovative thinking and solutions to global climate change. We are grateful for the Subcommittee's support of environmental education in previous years and **recommend a funding level of \$14 million** (an increase of \$5 million over FY10 enacted).

Mr. MORAN. Good. Thanks very much. We appreciate that, Dr. Stein. Thank you for the testimony.

We will move on at this point to Mary Sullivan Douglas, who is the senior staff associate of the National Association of Clean Air Agencies.

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THURSDAY, MARCH 25, 2010.

**NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES**

**WITNESS**

**MARY SULLIVAN DOUGLAS**

Ms. DOUGLAS. Good morning. As you said, I am Mary Sullivan Douglas with the National Association of Clean Air Agencies. The members of NACAA are the state and local air pollution control officials in 53 states and territories and over 165 metropolitan areas across the country. We thank you for this opportunity to testify on EPA's fiscal year 2011 budget for state and local air pollution control grants.

NACAA supports the President's request for \$309.1 million in federal grants for state and local air pollution control agencies. This amount represents an increase of \$82.5 million above last year. Air pollution is one of the most pressing public health problems facing our Nation and probably causes more deaths than any other issue under this subcommittee's jurisdiction. In the United States, exposure to polluted air results in the premature deaths of tens of thousands of people every year and causes many serious health problems. According to EPA data, about 127 million people lived in counties that exceeded at least one of the health-based air quality standards in 2008. In addition, EPA estimates that nearly everyone in the United States has an increased cancer risk from air pollution of greater than 10 in 1 million where 1 in 1 million is generally considered acceptable.

State and local air quality agencies have struggled with insufficient resources for many years. The Clean Air Act authorizes the Federal Government to provide grants for up to 60 percent of the cost of state and local air programs while states and localities must provide a 40 percent match. In reality, however, state and local air agencies provide 77 percent of their budgets while federal grants constitute only 23 percent. Clearly, state and local agencies are providing far more than their fair share, which is especially difficult now when their budgets are severely strained by the economy. To make matters worse, federal grants have remained stagnant and their purchasing power has actually decreased from inflation by nearly 10 percent over the last 10 years. Last year we surveyed state and local air pollution control agencies and learned that there is an annual shortfall of \$550 million in federal grants for air programs. During all this, state and local responsibilities have increased dramatically. These agencies cannot carry out their programs effectively with such enormous deficits.

While the President's proposed increase does not fully address all of our funding needs, we are grateful for it and we support it because it will be very helpful as we continue our efforts to obtain

and maintain healthful air quality for our Nation. The proposed budget calls for increases in three primary areas. The first is for core activities. While new and innovative efforts are necessary, the day-to-day activities that are the foundation of our programs are essential. The additional funds will support continuing responsibilities and the increasing workload that results as EPA updates its health-based air quality standards. These include planning, emission inventories, sophisticated modeling, expanded monitoring networks, and adoption and enforcement of regulations.

The second area identified for additional grants is increasing capacity for greenhouse gas permitting. State and local agencies need to expand their capacity with respect to greenhouse gases so that they are able to transition to whatever greenhouse gas program EPA develops and are prepared to issue permits to affected sources. The increase would be used for planning and analysis, source identification, staff development and training, outreach to industry, and responding to the public.

The third area identified for increases is air pollution monitoring. State and local agencies must significantly increase their monitoring activities to address the new and revised health-based standards related to ozone, lead, nitrogen dioxide and sulfur dioxide, which will require the purchase of additional ambient air monitoring equipment.

All three of these areas are of critical importance to state and local efforts to improve air quality and protect public health and are worthy of additional federal resources.

In conclusion, NACAA recommends that Congress appropriate \$309.1 million in federal grants to state and local air quality agencies under sections 103 and 105 of the Clean Air Act as the President requested.

We thank you for this opportunity to testify, and we thank you for your support of clean air programs in the past.

[The statement of Mary Sullivan Douglas follows:]



**Testimony of Mary Sullivan Douglas**  
**Senior Staff Associate with the National Association of Clean Air Agencies**  
**before the House Appropriations Committee**  
**Subcommittee on Interior, Environment, and Related Agencies**  
**March 25, 2010**

Good morning. I am Mary Sullivan Douglas and I am a Senior Staff Associate with the National Association of Clean Air Agencies (NACAA). NACAA is an association of the state and local air pollution control agencies in 53 states and territories and over 165 metropolitan areas across the country. The members of NACAA have the primary responsibility under the Clean Air Act for implementing our nation's clean air program. Thank you for this opportunity to testify on the FY 2011 proposed budget for the United States Environmental Protection Agency (EPA). NACAA supports the President's request for an \$82.5-million increase in federal grants for state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act – part of the State and Tribal Assistance Grant (STAG) program. This would raise the total amount for Section 103/105 air grants to state and local air agencies to \$309.1 million.

**Air Pollution Presents a Serious Public Health Threat**

Air pollution is one of the most pressing public health problems facing our nation. In this country alone, exposure to polluted air results in the deaths of tens of thousands of people prematurely every year and causes many other serious health problems, such as the aggravation of respiratory and cardiovascular disease; decreased lung function; difficulty breathing; coughing; increased susceptibility to respiratory infections; effects on the brain, such as IQ loss and impacts on learning, memory, and behavior; and cancer. For sensitive populations, such as the elderly, children or individuals with underlying health problems, the risks are even greater. Air pollution is also damaging in other ways, including harming vegetation and land and water systems, impairing visibility and causing adverse impacts on climate.

Exposure to air pollution is widespread. According to EPA data, approximately 127 million people lived in counties that exceeded at least one of the health-based national ambient air quality standards (NAAQS) in 2008.<sup>1</sup> When a new health-based standard for ozone is issued, this number will likely be higher. With respect to hazardous air pollutants, also called "air toxics," EPA estimates that nearly everyone in the U.S. has an increased cancer risk of greater than 10 in one million (one in one million is generally considered "acceptable").<sup>2</sup> Air pollution probably causes more deaths than any other problem under this Subcommittee's jurisdiction.

**The President's Request Recognizes the Importance of Healthful Air Quality**

As I stated at the outset, NACAA supports the President's request of \$309.1 million for state and local air grants, which represents an increase of \$82.5 million above the amount appropriated in FY 2010, and strongly urges Congress to appropriate funds at this level. Even

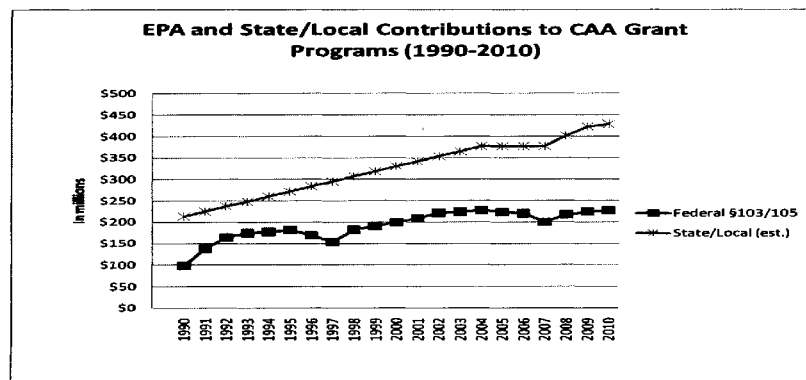
<sup>1</sup> *Our Nation's Air: Status and Trends Through 2008* (February 2010), EPA, [www.epa.gov/airtrends/2010/](http://www.epa.gov/airtrends/2010/).

<sup>2</sup> National-Scale Air Toxics Assessment for 2002 - Fact Sheet, [www.epa.gov/ttn/atw/nata2002/factsheet.html](http://www.epa.gov/ttn/atw/nata2002/factsheet.html)

though this increase will not fully address the funding deficit that state and local air agencies have been facing for many years, which I will discuss further in a moment, it will be enormously helpful as we continue our existing programs and take on additional responsibilities in FY 2011. Such an increase, especially during these difficult economic times, is recognition by the Administration that clean air is critically important to public health and the welfare of this country and that the benefits of reducing air pollution far outweigh the costs of the program. We are very grateful for the President's support of our efforts and hope that Congress will appropriate the requested amount in recognition of the importance of protecting public health.

**State and Local Air Quality Efforts are in Need of Significant Increases**

State and local air quality agencies have struggled with insufficient resources for many years. Section 105 of the Clean Air Act authorizes the federal government to provide grants for up to 60 percent of the cost of state and local air programs, while states and localities must provide a 40-percent match. In reality, however, state and local air agencies report that they provide 77 percent of their budgets (not including permit fees under the federal Title V program), while federal grants constitute only 23 percent. Clearly state and local agencies are providing far more than their fair share of the funding. The chart below illustrates these funding trends.



Moreover, the continuing adverse impacts of the recession at the state and local levels strain already stressed budgets and cause states and localities to make painful decisions to reduce funding or cut air programs that are important for public health. As a result, states and localities must increasingly rely on federal contributions. Unfortunately, federal grants to these agencies (as the chart shows) have remained relatively stagnant and the purchasing power of state and local agency resources has actually *decreased* due to inflation. In fact, in terms of purchasing power, federal grants have decreased by nearly 10 percent between FY 2000 and FY 2010. At the same time, the responsibilities these public health agencies face have increased dramatically.

Last year, NACAA conducted a survey of state and local air pollution control agencies, requesting information about the additional resources they need to fulfill responsibilities that are

fundamental to their programs.<sup>3</sup> The results of this study show there is an annual shortfall of \$550 million in federal grant appropriations for state and local air programs. These agencies cannot carry out their programs effectively with such enormous deficits. Insufficient funds and increasing workloads have combined to undermine the ability of state and local agencies to adequately address air pollution and protect public health.

While the President's request does not fully address all our funding needs, it will be very helpful as we continue our efforts to obtain and maintain healthful air quality for our nation.

#### **The President's Budget Request Will Provide Funds for Critical Programs**

The proposed budget calls for increases in three primary areas: Core Activities (\$45 million), Increasing Capacity for Greenhouse Gas Permitting (\$25 million); and Monitoring (\$12.5 million). All of these efforts are extremely important and are in need of increased financial support. I will say a few words about each one.

Core Activities – We commend the President for recognizing the importance of state and local agencies' core programs, as illustrated by the request for an additional \$45 million in grant funds to support those activities. While new and innovative efforts are important and necessary, we cannot forget how critical the ongoing core programs are, including the day-to-day activities that serve as the foundation of our programs. The additional funds will supplement the existing resources used for continuing program responsibilities and support the increasing workload that state and local air agencies face as EPA updates its health-based National Ambient Air Quality Standards. Agencies will be required to update or prepare new State Implementation Plans (SIPs) for ozone, nitrogen dioxide, sulfur dioxide, lead and fine particulates. For example, SIPs for the 2006 PM<sub>2.5</sub> standard are due in November 2012, for the new lead standard in 2011 and 2012, and for the new ozone standard in 2013. State and local agencies must begin developing these plans, which will require increasingly complex tasks, such as addressing multi-pollutant and multi-state transport issues, compiling emission inventories, carrying out sophisticated modeling exercises, significantly expanding and operating monitoring networks and adopting and enforcing regulations, among other responsibilities.

State and local air agencies must also continue and expand programs to address risks from air toxics. These agencies are being asked to accept delegation of regulations for small, or "area" sources of air toxics, necessitating significant effort and resources to address emissions and issue permits, as needed, for literally thousands of sources. State and local air agencies also will continue to implement new hazardous air pollution standards to address the "residual risk" that remains after the implementation of the MACT standards.

Increasing Capacity for Greenhouse Gas Permitting – State and local agencies need to expand their capacity with respect to greenhouse gases (GHGs) so that they are able to transition to whatever GHG program EPA develops. For example, once GHGs are a "regulated pollutant" under the Clean Air Act, states and localities will be required to issue New Source Review permits for new and modified sources under the "Prevention of Significant Deterioration" (PSD)

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<sup>3</sup> *Investing in Clean Air and Public Health: A Needs Survey of State and Local Air Pollution Control Agencies*, NACAA (April 2009).

program and Title V operating permits for existing sources. The \$25-million increase would be used to prepare for these additional tasks by supporting staff development and training, program planning and analysis, source identification, outreach to industry and responding to the public.

**Monitoring** – State and local agencies must increase their monitoring activities to address the new and revised standards related to ozone, lead, nitrogen dioxide and sulfur dioxide. Additionally, the public is demanding more monitoring of hazardous air pollution in locations where the public lives, works, attends school and plays. These efforts will require the purchase of additional ambient air monitoring equipment that will provide much-needed information about the levels of pollutants in the air and, later, the success of control measures. The President's request calls for an additional \$15.0 million for the acquisition of new monitoring equipment in FY 2011 (\$12.5 million in new funding and \$2.5 million reprogrammed from air toxics monitoring at schools). While this amount is not sufficient to address *all* the additional monitoring needs, it will be very helpful for state and local agencies as they expand their monitoring capabilities to address the new and revised standards, as well as hazardous air pollutants.

#### **Diesel Retrofit Funding Should Be Increased**

NACAA is a member of a broad coalition representing public-interest, environmental, business and governmental organizations, among others. The coalition recommends that Congress provide \$100 million in FY 2011 for programs authorized by the Diesel Emissions Reduction Act (DERA), which is an increase of \$40 million above the President's request. The DERA programs are intended to decrease the amount of harmful microscopic particles in the ambient air resulting from diesel exhaust. NACAA urges Congress to provide this funding to these important efforts.

#### **Conclusion**

The President's budget request calls for a much-needed increase in grants to state and local air quality agencies at a time when these entities are required to continue their efforts and take on significant new responsibilities. While these increases would not fully address the enormous funding deficit that these programs face, they are a step in the right direction and would be vastly helpful to state and local air quality programs.

NACAA recommends, therefore, that Congress appropriate the amount contained in the President's FY 2011 request for federal grants to state and local air quality agencies under Sections 103 and 105 of the Clean Air Act, which is \$309.1 million. This represents an increase of \$82.5 million above the FY 2010 appropriated amount. Additionally, NACAA recommends that DERA programs be funded in the amount of \$100 million, which is \$40 million above the President's recommended amount.

Thank you for this opportunity to testify on this important issue and for your consideration of the resource needs of state and local air quality programs as they work to improve and protect public health.



Mr. MORAN. Thank you, Ms. Douglas. Thank you very much.

Mr. HINCHEY. Thank you very much.

Mr. MORAN. The next witness will be Tom Cassidy, director of Federal Land programs for the Nature Conservancy. Mr. Cassidy, nice to see you again.

Mr. CASSIDY. Good to see you, sir.

Mr. MORAN. Thank you.

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THURSDAY, MARCH 25, 2010.

## THE NATURE CONSERVANCY

### WITNESS

#### TOM CASSIDY

Mr. CASSIDY. Mr. Chairman, Mr. Simpson, Mr. Hinchey, I appreciate this opportunity to present the Nature Conservancy's recommendations for fiscal year 2011 appropriations. My name is Tom Cassidy and I am director of federal land programs. I suspect at this point in the hearing, as Moe Udall said, everything has been said but not everybody has said it. My oral testimony will highlight six of the key program areas described in my written testimony.

First, thank you, Mr. Chairman and also for Chairman Dicks' leadership in restoring critically important funding for the Land and Water Conservation Fund. We are gratified by the President's commitment to fully fund LWCF and look forward to working with Secretary Salazar and the Congress to secure the funding necessary to protect America's great outdoors.

As a member of the Land and Water Conservation Coalition, we recommend a funding level of \$425 million for the federal side of LWCF. This year the Conservancy is specifically recommending 33 biologically rich land acquisition projects including the Eastern Shore of Virginia National Wildlife Refuge, Washington's Turnbull National Wildlife Refuge, and continuing large-scale projects in New England's Silvio Conte National Fish Wildlife Refuge, and the Montana Legacy Project. We also support a large multi-partner request in Wisconsin's Chequamegon-Nicolet National Forest.

Second, we support a forest legacy funding level of \$150 million and are specifically proposing six projects totaling \$20 million. We hope this year to complete the phased acquisition of the Northern Cumberlands project, the largest conservation project in Tennessee since the creation of Great Smoky Mountains National Park. Other priorities include the second phase of projects in New York's Follensby Pond and also in Texas.

Third, the Conservancy welcomes the President's commitment to address the global climate challenge and supports the Administration's fiscal year 2011 proposed increases for climate-specific programs and activities. We appreciate this committee's leadership in highlighting climate change adaptation and science funding including the National Climate Change and Wildlife Science Center.

Fourth, in wildfire management, we appreciate the committee's continued attention to high-cost wildfire and proactive management to reduce fuels and protect communities from damaging fire. We have several recommendations including an increase for haz-

ardous fuels reduction by 10 percent over enacted as a necessary investment to reduce threats to communities and abate the cost of future wildfire and full funding of fire suppression needs through a combination of the fire suppression budget, the FLAME Fund and the Contingent Reserve Fund.

Fifth, the Conservancy strongly supports the President's proposal for the Forest Service's integrated resource restoration budget. We recommend full funding for the Collaborative Forest Landscape Restoration Program and the Priority Watershed and Job Stabilization Initiative. We also support creation of the integrated resource restoration budget by combining formerly separate programs. We trust this new budget structure will better enable the Forest Service to provide important ecosystem and public services such as clean and abundant water, renewable energy from biomass, restored wildlife and fish habitat, carbon sequestration and healthy forests and grasslands.

Finally, we support an increase for the Cooperative Endangered Species Conservation Fund to \$100 million. We and our partners including multiple state, county governments and private landowners have used the habitat conservation plan and recovery land acquisition programs to secure key habitats for numerous threatened, endangered and at-risk species including through conservation easements on high-priority private lands such as Northern Idaho's Kootenai Valley.

Thank you for the opportunity to present our testimony.  
[The statement of Tom Cassidy follows:]



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**Statement of The Nature Conservancy  
Fiscal Year 2011 Interior, Environment and Related Agencies Appropriation  
Committee on Appropriations, U.S. House of Representatives  
March 25, 2010**

Mr. Chairman and members of the Subcommittee, I appreciate this opportunity to present The Nature Conservancy's recommendations for Fiscal Year 2011 appropriations. My name is Thomas J. Cassidy, Jr. and I am Director of Federal Land Programs.

The Nature Conservancy is an international, non-profit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. We are best known for our science-based, collaborative approach to developing creative solutions to conservation challenges. Our on-the-ground conservation work is carried out in all 50 states and more than 30 foreign countries and is supported by approximately one million individual members. We have helped conserve nearly 15 million acres of land in the United States and Canada and more than 102 million acres with local partner organizations globally.

**Land and Water Conservation Fund (LWCF).** Thank you for your leadership in restoring critically important funding for LWCF in recent years. We are gratified by the President's commitment to fully fund LWCF and look forward to working with Secretary Salazar and the Congress to secure the funding necessary to protect the Nation's Treasured Landscapes.

As a member of the Land and Water Conservation Coalition, we recommend a funding level of \$425 million for the federal side of LWCF and \$175 million for the state-side. This year, the Conservancy is specifically recommending 33 biologically rich land acquisition projects totaling \$95.7 million. Priorities include the Eastern Shore of Virginia NWR, Washington's Turnbull NWR, and continuing large-scale projects in New England's Silvio O. Conte NFWR and the Montana Legacy Project. We also support projects in Wisconsin's Chequamegon-Nicolet National Forest, Oregon's Hells Canyon NRA and Cherry Valley NWR, the nation's newest refuge.

**Forest Legacy.** We support \$150 million for this program, and are specifically proposing 6 projects totaling \$20.4 million. We hope this year to complete the phased acquisition of the 127,000 acre Northern Cumberlands project, Tennessee's largest conservation project since the creation of Great Smoky Mountains National Park. Other priority projects include Kentucky's Big Rivers Corridor, Montana's Clearwater Lands and the 2<sup>nd</sup> phases both of New York's Follensby Pond and Texas' Longleaf Ridge.

**Climate Change.** The Conservancy welcomes the President's commitment to address the global climate challenge and supports the Administration's FY11 proposed increases

for climate-specific programs and activities. We also appreciate this Committee's leadership in highlighting climate change adaptation and science funding, including the USGS National Climate Change and Wildlife Science Center. We particularly look forward to working with the FWS and other DOI bureaus to support and implement the work of the Landscape Conservation Cooperatives. The Conservancy is committed to advancing landscape scale conservation projects, and protect large, interconnected, and ecologically significant habitat. Coupled with robust funding to complementary conservation programs, the Administration's science-based investments will help address the critical challenges to people and nature in a world whose climate is changing.

**Wildland Fire Management.** We appreciate the Committee's continued attention to high-cost wildfire and proactive management to reduce fuels and protect communities from damaging fire. We have three recommendations for wildland fire. First, increase hazardous fuels reduction funding by 10 percent over enacted to \$395.3 million for the Forest Service and \$208.2 million for DOI as a necessary investment to reduce threats to communities and abate costs of future wildlife. Second, increase to \$78.2 million funding for National Fire Plan State Fire Assistance and increase to \$7.7 million funds for DOI Rural Fire Assistance. These investments are needed to improve community safety and build local capacity for controlled burning as fuels reduction treatment. Finally, we support full funding of fire suppression needs for 2011 through the fire suppression budget, FLAME Fund and Contingent Reserve Fund as necessary to safeguard critical conservation programs from "fire borrowing."

**Integrated Resource Restoration.** The Conservancy strongly supports the President's FY11 proposal for the U.S. Forest Service's Integrated Resource Restoration budget. First, we recommend full funding of \$40 million for the Collaborative Forest Landscape Restoration Program, which was authorized last year and funded by this Committee at \$10 million. Second, we support creation of the Priority Watershed and Job Stabilization Initiative to provide \$50 million on a competitive basis for projects that improve watershed conditions and provide employment in restoration, wood energy and value-added processing. Third, we support creation of the Integrated Resource Restoration budget with \$694 million by combining programs that were formerly separate functions of Wildlife and Fisheries Habitat Management, Vegetation and Watershed Management, and Forest Products. Separate funding for these activities has led to disparate, uncoordinated activities in wildlife, fisheries, timber, and watershed improvement that did not necessarily contribute to restoration goals. The new budget structure will break new ground by measuring activity accomplishment by ecological outcomes and effects on watershed condition, rather than acres of habitat or miles of stream restored, and by promoting increased use of stewardship contracts and timber sales where they make fiscal sense. We trust that this new budget will better enable the Forest Service to provide important ecosystem services such as clean and abundant water, renewable energy from biomass, restored wildlife and fish habitat, carbon sequestration and healthy forests and grasslands.

**Forest Health Management.** America's forests are threatened by existing and a growing number of non-native pests and diseases. The Conservancy appreciates the Committee's leadership in consistently providing funding above the President's request. The Forest Health Management program should receive an increase to \$145 million to

effectively address economically and ecologically damaging pests, including the Asian Longhorned Beetle, Emerald Ash Borer, Hemlock Woolly Adelgid, Sudden Oak Death, thousand-canker disease (threatening walnut trees), and the gold-spotted oak borer.

**Forest Service Research Program.** We recommend an increase of \$3 million above enacted for the “Invasives R&D” line item within the Forest Service Research program. This would permit maintaining at current levels research to improve detection and control methods for the Emerald Ash Borer, Hemlock Woolly Adelgid and other non-native forest pests and diseases.

**Endangered Species.** The Conservancy supports an increase for the FWS's Cooperative Endangered Species Conservation Fund (CESCF) to \$100 million. The Conservancy and its partners, including multiple state and county governments, have used the Habitat Conservation Plan (HCP) and Recovery Land Acquisition Programs to secure key habitat for numerous threatened, endangered and at-risk species. In recent years, CESCF funds have been used to provide permanent habitat protection through conservation easement on high-priority private lands, such as in Northern Idaho's Kootenai Valley, providing a critical link between higher elevation public lands of the Selkirk Mountains, low-elevation protected areas owned by the Idaho Department of Fish and Game and private land. California's Ramona Grasslands and Montana's Blackfoot Valley have also been the focus of attention for fee-title and conservation easements under the CESCF program. We also support continued funding for the Upper Colorado River Endangered Fish Recovery Program, recovery funds for the San Juan River Basin Recovery Implementation Program, and fish hatchery needs associated with the recovery plans in this region.

**State Wildlife Grants.** The Conservancy endorses the Teaming with Wildlife Coalition's funding recommendation of \$100 million. Strong federal investments are essential to ensure strategic actions are undertaken by state and federal agencies and the conservation community to conserve wildlife populations and their habitats. We also support a \$5 million competitive grant program as a subset of the State Wildlife Grant Program.

**National Wildlife Refuge System.**

The Conservancy applauds the Committees' significant increases in recent years for operations and maintenance of the National Wildlife Refuge System, a cornerstone of our commitment to fish and wildlife resources throughout the nation. As a member of the Cooperative Alliance for Refuge Enhancement (CARE) coalition we are supporting a request for \$578 million in FY11 for the operations and maintenance of the system.

**Migratory Bird Programs.** The Committee has consistently provided vitally important investments for a number of migratory bird programs. Such investments are essential to reverse declines in bird populations through direct conservation action, monitoring and science. We urge the Committee to increase funding over the President's request and FY10 enacted for such established and successful programs as the North American Wetlands Conservation Act (NAWCA) and the Joint Ventures, and the Migratory Bird Management Program.

**Partnership Programs.** We recommend funding levels of the President's request or FY10 enacted for the FWS Coastal Program and Partners for Fish and Wildlife Program and request \$10 million for the National Fish Habitat Initiative.

**International Programs.** The Conservancy, as part of an alliance of major international conservation groups, supports \$15 million to the FWS' Multinational Species Conservation Funds. We and the alliance also strongly support \$21 million for the FWS office of international affairs which includes Wildlife Without Borders; \$6.5 million for the FWS' Neotropical Migratory Bird Conservation Fund; and \$16 million for the U.S. Forest Service's International Programs.

**Bureau of Land Management Climate Change, Ecoregional Assessments & Resource Management.** The Conservancy supports the Administration's recommended funding for BLM's Climate Change Adaptation Initiative. This will enable focus upon completing ecoregional assessments, a key information tool for the agency to respond to the growing challenges of climate change and energy development. Evaluation of ecoregions and comparison of assessments across multi-state regions will provide information to guide future planning and management decisions. Ecoregional assessments are a critical contribution to the Landscape Conservation Cooperatives (LCCs) which link science with conservation planning to address broad scale challenges of a changing climate to species and habitats. We also recommend robust funding for BLM resource management and transportation planning activities. These funds are needed to complete a significant number of ongoing planning efforts and to initiate new planning efforts in key places, without which the agency cannot make informed mitigation and siting decisions for traditional and renewable energy proposals and take the management actions necessary to improve priority wildlife and aquatic habitats, ensure water quality, control invasive species and manage off-road vehicle use. BLM should also be encouraged to use existing data sets when available so that funding can be focused on critical data needs instead of creating duplicitious data sets.

**USGS – Water Resources.** We support increased funding levels for the National Streamflow Information Program and the Cooperative Water Program. These programs provide scientific data needed by multiple public and private water managers and their partners. As climate change, drought and population growth increase the demands on water resources, it is critical to invest in the integration of state and federal water resource data and to better understand water needs of human communities and the environment.

**Environmental Protection Agency.** The EPA Geographic programs provide critical leadership, technical support and funding for on-the-ground actions to improve water quality and restore aquatic ecosystems. We support \$300 million for the Great Lakes Restoration Initiative. We also support \$103 million for the implementation of the various programs and activities defined in the President's Chesapeake Bay Executive order, including funding EPA's Chesapeake Bay program. We support \$50 million to support implementation of the Puget Sound Partnership's Action Agenda and \$20 million for implementation of the Long Island Sound program.

Thank you for the opportunity to present The Nature Conservancy's recommendations for the FY 2011 Interior, Environment and Related Agencies appropriations bill.

Mr. MORAN. Good. Thanks. Fully comprehensive.

Mr. HINCHEY. Thank you for a very good statement.

Mr. MORAN. Thank you, Mr. Cassidy. Nice to see you.

Patrick Natale is the final speaker, the executive director of the American Society of Civil Engineers.

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THURSDAY, MARCH 25, 2010.

## AMERICAN SOCIETY OF CIVIL ENGINEERS

### WITNESS

#### PATRICK J. NATALE

Mr. NATALE. Thank you, Mr. Chairman, Mr. Simpson and members of the subcommittee. Good morning. I am Patrick Natale, executive director of the American Society of Civil Engineers, and I am very pleased to be here to speak to the subcommittee on behalf of the American Society of Civil Engineers but also the proposed budgets for the Environmental Protection Agency and the U.S. Geological Survey for 2011.

First, ASCE recommends that appropriations of \$3 billion for the Clean Water Act State Revolving Loan Fund for 2011. The President has requested \$2 billion for clean water state revolving loans, and we support that. Although this reflects the President's desire to deal forcefully with the needs of America's aging infrastructure that serves our water needs, ASCE believes that the 20-year wastewater investment has a gap of approximately \$400 billion, which requires a greater annual commitment. Our report card that we produce every several years talks about the importance of the grades on infrastructure. This has a barely passing grade of a D minus. Aging wastewater plants discharge billions of gallons of untreated wastewater into U.S. surface waters each year. In 2008, EPA reported a total investment need of America's publicly owned treatment works as of January 1, 2004, were at \$202.5 billion. This reflects an increase of \$16.1 billion, or 8.6 percent over the EPA's plan or review from 4 years earlier.

Many of our systems have reached the end of their useful life. Older systems are plagued with chronic overflows during major rainstorms, heavy snow melts. Either intentionally or not, this brings the discharge of raw sewage into our water systems. EPA estimates that in August of 2004, the volume of combined sewage overflows discharge nationwide is 850 billion gallons per year. Sanitary-sewer overflows caused by blocked or broken pipes result in the release of as much as 10 billion gallons of raw sewage yearly into our systems, according to EPA.

Future investments must be focused on updating, replacing existing systems as well as building new ones to meet the increasing demand. Improved operation processes include ongoing oversight, evaluation, asset management on a system-wide basis, and the watershed approach is to look more broadly at water resources and coordination with a systematic approach.

Second, ASCE recommends the appropriation of \$2 billion for the Safe Drinking Water Act State Revolving Fund for 2011. Like wastewater systems, America's drinking-water systems also had a

near-failing grade of a D minus in our report card of 2009. America's drinking-water systems face annual shortfalls as much as \$11 billion to replace aging facilities and they are near the end of their useful lives. This does not account for the growth and demand for drinking water over the next 20 years. Leaking pipes are estimated to lose 7 billion gallons of clean drinking water every day. Federal assistance has not kept pace with the demand. Between 1997 and 2010, Congress provided \$11 billion for the drinking-water state revolving fund through an annual appropriation. This total approximates the annual requirement to meet the needs according to an EPA study of 2002. Although drinking-water-treatment operators are often able to provide work-arounds during disruptions, the Nation's drinking-water systems are not highly resistant or resilient and present capabilities and failures. They make it up but it is not the way to do business.

Third and finally, ASCE recommends the appropriation of \$1.3 billion for the USGS in the 2011 fiscal year budget. There is a bit of good news here, Mr. Chairman. In a time of fiscal constraint, the USGS budget proposal for 2011 represents a 4 percent increase over the current fiscal year. The 2011 USGS budget request totals of \$1.1 billion or \$21.6 million above the enacted level of 2010. But we believe the agency's request falls short in several areas of being able to meet the needs for basic science in America.

The President has asked for increases in the programs for renewable energy, climate change, water availability and use, natural hazards and Landsat. This is all good. But water resources investigations activity is funded at \$228.8 million in 2011, which is \$3.5 million below 2010 enacted levels. The tight budget led the Department to request budget reductions for the Cooperative Water Program, a reduction of \$1.9 million from the 2010 levels, and the National Streamflow Information Program was reduced by almost \$600,000 during this time frame.

On a positive note, program increases were requested for the National Water Availability and Use Assessment including \$1.1 million for groundwater resource programs and \$6.4 million for the hydrological networks and analysis but the Cooperative Water Program is funded at \$63.6 million, \$2 million below the 2010 levels. The program builds on the efforts of leveraging state, local and tribal funds to support the majority of national hydrologic data networks, stream gauges, wells and monitoring sites. The Water Research Act Program is funded at \$6.5 million to promote state, regional and national coordination of the Water Resources Institute to facilitate research coordination, information and technology transfer. In the agency's own words, USGS is a multidisciplinary science organization focused on biology, geographic geology, geospatial information and water. We believe that this type of science effort deserves the strongest fiscal support from Congress.

Mr. Chairman, this concludes my remarks.

[The statement of Patrick J. Natale follows:]





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**Testimony of  
The American Society of Civil Engineers\*  
Before the Subcommittee on Interior, Environment and Related Agencies  
on the Budgets for  
The Environmental Protection Agency  
and the  
United States Geological Survey  
For Fiscal Year 2011  
March 25, 2010**

Mr. Chairman, Mr. Simpson, and Members of the Subcommittee:

Good morning. I am Patrick J. Natale, P.E., Executive Director of the American Society of Civil Engineers (ASCE). I am a licensed Professional Engineer in the state of New Jersey. I am pleased to appear before the Subcommittee today to testify on behalf of ASCE to discuss the proposed budgets for the Environmental Protection Agency (EPA) and the United States Geological Survey (USGS) for Fiscal Year 2011.

**A. ASCE Recommends an Appropriation of \$3 billion for the Clean Water Act  
State Revolving Loan Fund (SRF) in Fiscal 2011.**

The administration's FY 2011 budget request for the EPA totals \$10 billion. This is slightly less than the agency's FY 2010 enacted budget of \$10.3 billion.

The president has requested \$2 billion for the Clean Water SRF. Although this request reflects the president's desire to deal forcefully with the funding needs of the nation's aging wastewater infrastructure, ASCE believes that the wastewater investment "gap" of approximately \$400 billion requires an even greater annual commitment.

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\* ASCE was founded in 1852 and is the country's oldest national civil engineering organization. It represents 144,000 civil engineers in private practice, government, industry and academia who are dedicated to the advancement of the science and profession of civil engineering. ASCE is a non-profit educational and professional society organized under Part 1.501(c) (3) of the Internal Revenue Code.

Aging wastewater treatment systems discharge billions of gallons of untreated wastewater into U.S. surface waters each year. The Environmental Protection Agency estimates that the nation must invest \$390 billion over the next 20 years to update or replace existing systems and build new ones to meet increasing demand.

Since 1972, Congress has directly invested more than \$80 billion in the construction of publicly owned sewage treatment works (POTWs) and their related facilities. State and local governments have spent billions more over the years. Total non-federal spending on sewer and water has been billions more. Nevertheless, the physical condition of many of the nation's 16,000 wastewater treatment systems is poor, due to a lack of investment in plant, equipment and other capital improvements over the years.

In 2008, EPA reported that the total investment needs of America's publicly owned treatment works as of January 1, 2004, were \$202.5 billion. This reflects an increase of \$16.1 billion (8.6 percent) since the previous analysis was published in January 2004.

Many systems have reached the end of their useful design lives. Older systems are plagued by chronic overflows during major rain storms and heavy snowmelt and, intentionally or not, are bringing about the discharge of raw sewage into U.S. surface waters.

EPA estimated in August 2004 that the volume of combined sewer overflows (CSOs) discharged nationwide is 850 billion gallons per year. Sanitary sewer overflows (SSOs), caused by blocked or broken pipes, result in the release of as much as 10 billion gallons of raw sewage yearly, according to the EPA.

Wastewater infrastructure is expensive as are the monetary and social costs incurred when infrastructure fails. The nation's wastewater systems are not resilient in terms of current ability to properly fund and maintain, prevent failure, or reconstitute services.

Additionally, the interdependence on the energy sector contributes to the lack of system resilience that is increasingly being addressed through the construction of dedicated emergency power generation at key wastewater utility facilities. Aging, under-designed, or inadequately maintained systems discharge billions of gallons of untreated wastewater into U.S. surface waters each year.

Future investments must focus on updating or replacing existing systems as well as building new ones to meet increasing demand; improved operations processes including ongoing oversight, evaluation, and asset management on a systemwide basis; and watershed approaches to look more broadly at water resources in a coordinated systematic way.

**B. ASCE Recommends an Appropriation of \$2 Billion for the Safe Drinking Water Act SRF in FY 2011.**

America's drinking water systems face an annual shortfall of at least \$11 billion to replace aging facilities that are near the end of their useful life and to comply with existing and future federal water regulations. This does not account for growth in the demand for drinking water over the next 20 years. Leaking pipes lose an estimated seven billion gallons of clean drinking water a day.

Of the nearly 53,000 community water systems, approximately 83 percent serve 3,300 or fewer people. These systems provide water to just nine percent of the total U.S. population served by all community systems. In contrast, eight percent of community water systems serve more than 10,000 people, and they provide water to 81 percent of the population served.

Eighty-five percent (16,348) of non-transient, non-community water systems and 97 percent (83,351) of transient noncommunity water systems serve 500 or fewer people. These smaller systems face huge financial, technological, and managerial challenges in meeting a growing number of federal drinking-water regulations.

Federal assistance has not kept pace with demand, however. Between FY 1997 and FY 2010, Congress provided more than \$11 billion for the DWSRF through annual appropriations. This total is approximately equal to the annual capital investment gap for each of those years as calculated by EPA in 2002.

Although drinking-water treatment plant operators are often able to provide workarounds during system disruptions, the nation's drinking-water systems are not highly resilient based on present capabilities to prevent failure and properly maintain or reconstitute services.

Additionally, the lack of investment and the interdependence on the energy sector contribute to the lack of overall system resilience. These shortcomings are currently being addressed through the construction of dedicated emergency power generation at key drinking water utility facilities, increased connections with adjacent utilities for emergency supply, and the development of security and criticality criteria within the sector. Investment must be prioritized to take into consideration system vulnerabilities, interdependencies, improved efficiencies in water usage via market incentives, system robustness, redundancy, failure consequences, and ease and cost of recovery.

#### **C. ASCE Recommends an Appropriation of \$1.3 Billion for the USGS in FY 2011**

In a time of fiscal restraint, the USGS budget proposal for FY 2011 is up nearly four percent over the current fiscal year appropriation, but we believe the request falls short of the amount needed to support the science needs of the nation.

The FY 2011 budget request for USGS totals \$1.1 billion, \$21.6 million above the FY 2010 enacted level. The president is asking for increases in programs for renewable energy, climate change, water availability and use, natural hazards, and Landsat.

The Water Resources Investigations activity is funded at \$228.8 million in the 2011 budget, which is \$3.5 million below the 2010 enacted level. The budget proposes \$158.7 million for Hydrologic Monitoring, Assessments, and Research for collection, management, and dissemination of hydrologic data, analysis of hydrologic systems through modeling or statistical methods, and research and development leading to new methods and new understanding, with a focus on water conservation. The tight budget lead the Department to request budget reductions for the Cooperative Water Program (\$63.6 million, which is \$1.9 less than the FY 2010 enacted level) and for the National Streamflow information Program (\$27.1 million, a reduction of \$563,000).

Program increases were requested for the National Water Availability and Use Assessment, including \$1.1 million for the Groundwater Resources program and \$6.4 million for Hydrologic Networks and Analysis.

The WaterSMART Quality Assessment program describes status and trends in water quality, provides an improved understanding of the natural factors and human activity affecting these conditions, and provides information to Federal, State, and local regulatory and policy decisionmakers. A net reduction of \$1.5 million is proposed in Hydrologic Monitoring, Assessments, and Research to focus on the WaterSMART program.

The Cooperative Water program is funded at \$63.6 million, \$2 million below the 2010 level. The program builds on efforts to leverage state, local, and tribal funds to support the majority of the national hydrologic data network of streamgages, wells, and monitoring sites. The Water Resources Research Act program is funded at \$6.5 million to promote state, regional, and national coordination of water resources research and training and a network of Water Resources Research Institutes to facilitate research coordination and information and technology transfer.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions.

Mr. MORAN. Thanks very much, sir. I appreciate your being willing to testify, Dr. Natale. I guess you are not a doctor but you are executive director of American Society of Civil Engineers.

Mr. NATALE. That is correct.

Mr. MORAN. It is troubling that we are providing 5 percent of the need for clean drinking water and our sanitary-sewer overflows is one of the most pressing municipal infrastructure problems facing this country.

Mr. NATALE. I appreciate you understanding that, especially since you are my representative.

Mr. MORAN. Thank you for being here today. Thank you for your testimony.

That will conclude the testimony. I want to thank all the witnesses.



THURSDAY, APRIL 15, 2010.

## **VOICES FROM OUR NATIVE AMERICAN COMMUNITIES**

Mr. MORAN. We want to say good afternoon to everyone to welcome all of our guests for today's public witness hearing. We are going to hear from our partners and our friends in the Native American community this afternoon, and we want to especially welcome those who traveled very long distances to be here. We do appreciate and respect that. I think I speak for Mr. Cole as well, though, we are kind of embarrassed that we cannot spend more time with you but because we have so many witnesses, we are going to have to restrict the time we are able to hear from you.

Before we begin I would like to acknowledge the passing of a great American leader, the leader of the Cherokee Nation, Chief Wilma Mankiller. She passed away on April 6 of this year at her home in rural Adair County, Oklahoma. She often spoke of the need for Native Americans to speak out, and I think it would be appropriate today to honor her with the following quote.

She said, "I think the most important issue we have as a people is to begin to trust our own thinking again, to articulate our own vision of the future, and work to make that vision a reality."

She once said, "I want to be remembered as the person who helped all of us to restore faith in ourselves," and so shall she be remembered.

In March we held our first Native American witness day. The challenges these witnesses brought before us were absolutely daunting. Among other issues we heard about the need for better access to quality healthcare, the need for clean drinking water on any number of reservations, and in several situations the residents could not even use the water after it had been boiled and screened, and still it was not safe to drink, even to boil food with. We also heard about the challenges posed by a shortage of law enforcement officers on tribal lands.

This subcommittee was affected, and we are proud of that. In this current year the response to Native American issues that were brought before the subcommittee caused us to provide what was an historic increase, it was a 10 percent increase in the Bureau of the Indian Affairs budget. We funded the Bureau at \$2.6 billion.

This year the Administration has recognized the need for increased funding, particularly for health services. It is an issue that is continually raised and appropriately so. So this year's Indian Health Services Budget Request from the Obama Administration includes a substantial increase. The request is for \$4.4 billion. It is a \$350 million increase over this current year's levels, and that is in a freeze budget. So almost every other program either got what they got last year or less, but the Indian Health Service stands out as a very substantial increase.

Now, we would, and I mean, we cannot make you stay, obviously, but we would strongly urge you, certainly invite all of you, to stay for the Indian Health Service hearing that is going to follow right on the heels of this. Immediately after this series of hearings we are going to hear from Dr. Yvette Roubideaux, who is the Director of the Indian Health Service, and I think it is going to be a very important hearing.

A couple of housekeeping things. Everyone is going to be restricted to 5 minutes. It is the only fair way we can do it so we treat everybody equally. If you finish before 5 minutes, there is a better chance of us being able to get in a question or two. We are going to have to watch the timer closely. When the orange light comes on, you have only 1 minute left and should begin to wrap up, and then when the red light comes on, the time is expired. The entire statement will be put into the record; and before we get started, Mr. Cole, would you have any comments you would like to share with us?

Mr. COLE. Thank you very much, Mr. Chairman. I love these hearings because this room glitters with turquoise when we have these, and it makes me feel at home.

But I want to first begin by following your lead and acknowledge the passing of our good friend, Chief Mankiller. I had the privilege of knowing her personally, working with her for many years. I was very proud that the House of Representatives passed a resolution honoring her remarkable life and achievements yesterday, and I do not have the exact quote, Mr. Chairman, but she was very famous in Indian Country for speaking truth to power, and I cannot recall the number of occasions when I heard her introduce herself as Wilma Mankiller, Principal Chief of the Cherokee Nation. If the United States Government had its way, I would not be chief, and there would not be a Cherokee Nation. That is a pretty good thing to think about, because that has been historically the policy of the country. It has oscillated between, "assimilation and accommodation and compromise and recognition of tribal sovereignty." Nobody was a more articulate and more ferocious defender of tribal sovereignty than Chief Mankiller was, and I know wherever she is at, she is watching, and frankly, would be pleased at this assembly.

I also want to follow your lead in acknowledging the work of our former Chairman and last year's historic increases in our budget. It came in large part because of his hard work and his bipartisanism in this area. It was a pleasure for me to get to work with him and our current Chairman, Mr. Moran. The Administration has kept its commitments to Indian Country and has taken them very, very seriously. The Administration continues to do so in this budget, which, again, I concur with the Chairman, I am exceptionally pleased with the increases we have seen in Native American and Indian healthcare services.

It is tried but true but the first Americans are the last Americans in a variety of ways. This is particularly obvious in statistics like lifespan, health and illness rates. This is a commitment that is long overdue in terms of being fulfilled, and we are going to work very hard with you, Mr. Chairman, and obviously with our friends on both sides of the aisle and with the Administration to make sure we continue to build on the progress that was made last year.



Frankly, we cannot solve these problems in a single year. We all know that. They are decades really, even longer in duration, but the fact that we started and made significant steps in this direction is something I think this committee can be proud of on a bipartisan basis.

But, again, I particularly want to single out my friend and our senior member on this committee, Congressman Dicks, Chairman Dicks. He has gone on to other responsibilities. The fact that he is here still tells you how focused he continues to be on this community. So thank you for your efforts, and again, thank all of you for traveling this distance. I know sometimes you wonder if it matters. Believe me, it does. You have been speaking for a long time. I think the points you have made are finally being listened to and attended to in a systematic fashion.

So I appreciate that, and Mr. Chairman, appreciate your leadership and look forward to the hearing.

Mr. MORAN. Thanks very much, Mr. Cole. As Tom has said, Mr. Dicks has arrived. Mr. Dicks is now the Chair of the Defense Appropriations Committee, but he left a legacy of substantial increase, particularly for Indian programs and the Native Americans throughout the country have benefited from his priority. And so everyone should know the impact that he has had, and we will be lucky if we can continue simply in that tradition that he has established. He really set a standard of responsiveness.

Norm, did you have anything you wanted to say?

Mr. DICKS. Mr. Chairman, I would like to thank you for yielding, and I want to congratulate you for continuing to have this hearing, which is very important, and I think our committee has worked on a very bipartisan basis on Indian health, on contract support costs, and on urban health clinics. Yourself and Mr. Cole and all the other members have been very supportive of this. I look forward to hearing from the witnesses, I appreciate your leadership, and I wish you well as the new Chairman of the subcommittee.

Mr. MORAN. Thank you very much, Mr. Dicks, and of course, Mr. Cole, thank you very much for your comments and very appropriately giving Mr. Dicks the recognition that he clearly deserves.

Our first witness will be Clarence Skye, the Executive Director of the United Sioux Tribes Development Corporation. Mr. Skye, welcome.

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THURSDAY, APRIL 15, 2010.

**UNITED SIOUX TRIBES DEVELOPMENT CORPORATION**

**WITNESS**

**CLARENCE SKYE**

Mr. SKYE. Good afternoon, Chairman James Moran and Representative Cole and Representative Norm Dicks we first met back in 1984. So I am a little old.

Appreciate testifying before the House of Representatives Committee on Appropriations and Subcommittee on Interior, Environmental, and Related Agencies. The United Sioux tribes is made up of Sioux tribes in North Dakota, South Dakota, Nebraska, and they

were once the Great Sioux Nation, and with the Great Sioux Nation they had treaties, and they were very sovereign people and proud people back in the early days.

And like the gentleman said, what Wilma Mankiller said, we are not the Great Sioux Nation yet today, but we will be as long as we get the things we need and the appropriation. We have a dialect, which is the Lakota, Nakota and Dakota Sioux tribes, and they are in North Dakota, South Dakota, Nebraska, Minnesota, and Montana.

What we are asking for in the agency programs, and the funding request, is to appropriate \$1.2 million for the Indian Jobs Placement Program through the United Sioux Tribes Development Corporation under CFDA number 15.061, otherwise listed as United Sioux Tribes Fund Assistance Program. That is a very important program because what we do is we create jobs. We go out and work with the employers, we work with different companies, and we ask them to find employment for our Indian people. The Indian person—or tribal members I should say—come into our office, and they either come from the Oglala Reservation, the Rosebud Reservation, the Cheyenne River Reservation, the Standing Rock Reservation, which I am from, the Lower Brule or the Crow Creek and the Santee Reservation and the Yankton Reservation.

They come in from their reservation, and there is no work. The other day we had a lady, a single parent with six kids, all the way down to 3 years old. They had runny noses, and the clothes were not in good shape, and they were real poor, and I dealt with them. We went and found them a place to live, and we found them food stamps, and we went to the state and got after them because under state's rights the states are cannibalizing federal programs. They are getting a lot of federal programs, and we are not privy to them, and we hope that with what I just said that it will make a difference when state officials testify before you on whether the people are participating in those programs. They send the money back to the Federal Government and say, no participation, no activity. And so, you know, we do not get to be a part of that.

I will get over my emotionalism here. The other program that we are working on is to authorize \$1.2 million for a National Tribal Cultural Resource Database, and we are working with U.S. Geological Survey, and we have a memorandum of understanding with them, and right now we are redoing that because what they do is satellite photographing of the land, and we are starting with the demonstration project with two reservations. We would like two under the appropriation.

And what it does is like, when you go to a hospital, you get an MRI. Well, with the satellite photographing, they do an MRI of the land. With all the pipelines and gas lines and oil lines moving into the country, we want to be sure that we have those areas mapped; the sacred sites, the funeral remains, and artifacts, so that they do not get destroyed.

Right now we have the state level signing off and approving the progress of the Keystone Pipeline. We want to have this program, and we want to work with the Harvard University to help us do some of the research. We are trying to get more of our Indian students into the science and math area with the tribal colleges, and

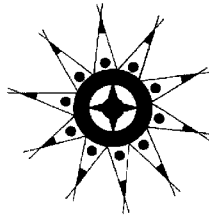
so that is one of the purposes of working with the U.S. Geological Survey. Rosebud Sioux Tribe, the college, Sinte Gleska University, already has an agreement with USGS, and they are making their attempts, but we want to do this overall.

Mr. Chairman, I would like to end my testimony by saying that I appreciate and congratulate Congressman Norm Dicks. He has been very helpful over the years, and it is hard to see somebody go, but changes got to be made. Thank you.

[The statement of Mr. Skye follows:]

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March 14, 2010

**Clarence W. Skye**  
**Executive Director**

**United Sioux Tribes Development Corporation**  
**Testimony before the U.S. House of Representatives, Committee on Appropriations,**  
**Subcommittee on Interior, Environment and Related Agencies for FY 2011 Budget**

Good afternoon Chairman James Moran (D-VA), ranking member Michael Simpson (R-ID), and honorable members of the U.S. House of Representatives, Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies. Allow me to recognize important changes within the subcommittee by offering my congratulations to Chairman Moran on being selected as the new subcommittee chairman, and to offer my best wishes to former Chairman Norm Dicks (D-WA). The tradition of allowing Public Witness Testimony on Native American Issues is an important Congressional venue for tribes and tribal organization nationwide. As the Executive Director of the United Sioux Tribes Development Corporation, my staff and I serve tribal leaders from eleven *Lakota-Nakota-Dakota* (Sioux) tribes in North Dakota, South Dakota and Nebraska. I respectfully offer this testimony to the subcommittee for Fiscal Year (FY) 2011. A summary of the United Sioux Tribes Development Corporation's (USTDC) FY 2011 funding request is as follows:

**Agency, Programs and Funding Request**

1. To authorize and appropriate \$1.2 million for the **Indian Jobs Placement Program-United Sioux Tribes Development Corporation** (CFDA No.15.061) or otherwise listed as the United Sioux Tribes' Employment Assistance Program; and
2. To authorize and appropriate \$1.2 million for the **National Tribal Cultural Resources Database Program**.

**Early History of the United Sioux Tribes**

The United Sioux Tribes is the oldest *Lakota-Nakota-Dakota* (Sioux) tribal organization of the Great Plains. We are a non-profit 501 (c) (3) inter-tribal corporation chartered by the Sioux Chairmen, Presidents and Tribal Chairs. Our organization dates to 1952, when concerns over federal Indian policy changes began with the formulation of House Concurrent Resolution 108, which passed on August 1, 1953. Shortly thereafter, the 83<sup>rd</sup> Congress enacted Public Law (P.L.)

83-280 on August 15, 1953, starting the termination of 109 American Indian tribes. The law was amended with a provision to require tribal consent in 1968; however, United Sioux Tribes was called by the Sioux to confront and defeat termination. Public Law 83-280 was enacted by the South Dakota State Legislature and defeated by a statewide referendum vote on November 3, 1964.<sup>1</sup> The United Sioux Tribes incorporated in the State of South Dakota on May 19, 1970.

#### **Office of the Executive Director**

The United Sioux Tribes Development Corporation (USTDC) Board of Directors consists of eleven Sioux Chairmen, Presidents and Tribal Chairs; yet, our current membership excludes the four Sioux tribes in Minnesota, one Assiniboine/Sioux or Fort Peck Tribes in Montana, and the Sioux tribes in Canada. Franklin Ducheneaux, Sr., former Chairman of the Cheyenne River Sioux Tribe (1969-1970), was the first chairman of the board. Chairman Ducheneaux and the board of directors selected me to serve as the first Executive Director. Except for a brief foray in the Bureau of Indian Affairs in 1975, Social Security Administration and the Civil Service Commission in 1976, I served as the Executive Director for almost forty years.

#### **Federal Indian Policies**

The change of eight U.S. Presidents and their Federal Indian Policies or lack thereof, I have seen. Let the record show that the late President Richard M. Nixon provided the greatest relief in terms of policies and programs and greatest compassion for all Native Americans, nationwide. Despite the Vietnam War (1959-1975), President Nixon created the present policies of Native American self-determination. The Nixon White House halted the termination policies signed by President Eisenhower in a special address to Congress on July 8, 1970. Former President Ronald Reagan augmented the Nixon Federal Indian Policy Statement by insisting on the development of Indian reservation economies. The United Sioux Tribes was crucial in the creation of the Indian Self-Determination and Educational Assistance Act of 1975. I collaborated and coordinated with senior officials of the Nixon and Ford administration and members of Congress on this Act. In fact, I possess photograph of former Chairman Norm Dicks, assisting Sioux tribal leaders and me, myself, in an appropriations hearing following the Act and his appointment to the House Committee on Appropriations beginning in 1976. We are older now.

#### **Indian Jobs Placement Program**

The appropriations hearing with involved the Indian Jobs Placement Program (15.061)-United Sioux Tribes, which was eliminated in the President's budget during the Clinton administration. Ironically, my sister-in-law, Ada Deer, was the Assistant Secretary-Indian Affairs, for that occasion. The United Sioux Tribes Indian Jobs Placement Program began when the Bureau of Indian Affairs (BIA) Indian commissioner, Glenn L. Emmons, initiated the relocation program

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<sup>1</sup> Wilkinson, Charles, 2005. Blood Struggle: The Rise of Modern Indian Nations. W.W. Norton & Company, New York, New York, p. 124.

in 1948; and by 1960 over 33,466 Native Americans were relocated.<sup>2</sup> The jobs program was one Indian program to assist our urban Indian populations and resolve the chronic unemployment on the reservations. Kendal Johnson, Acting Chief, Census 2010 Publicity Office, stated that *64.1 percent of Native Americans reside off the reservation*.<sup>3</sup> Technically, Congressional obligations lie with tribes through federal trust responsibilities and treaty obligations; however, where do our moral obligations reside for failed policies, programs and statutes? Consider Elouise Cobell who questioned key officials about the mismanagement of Individual Indian Money (IIM) accounts in 1994. She was ignored. Cobell filed a Class Action Lawsuit that included 500,000 American Indian landowners on June 10, 1996. Millions of federal dollars were diverted away from Indian Country and lost to litigation, including the time of Congress and staff members attempting to resolve the lawsuit such as Senator McCain's Senate Bill 1439 and the Senate Committee on Indian Affairs. Let us take action before a crisis arises. The last great international incident to draw attention to Native American concerns was the Wounded Knee Incident of 1973.

**Indian Jobs Placement Program (CFDA 15.061)-United Sioux Tribes**

Therefore, I respectfully request \$1.2 million be added to the Interior Appropriations bill for FY 2011 as a line item for the Bureau of Indian Affairs for the next five years. These funds would be included in the Community and Economic activity for the Operation of Indian Programs to support the United Sioux Tribes Development Corporation. These funds will be used for the Indian Jobs Placement Program-United Sioux Tribes (CFDA 15.061). The goals of the Indian Jobs Placement Program-United Sioux Tribes include increasing employment for Americans Indians, pooling resources and expertise for research, and economic development. The United Sioux Tribes testified before the subcommittee in FY 2008, and submitted testimony in FY 2009. Today, I testify on this important program. North Dakota Governor John Hoeven (R-ND), and South Dakota Governor Michael Rounds (R-SD) issued letters of support in FY 2006. The Honorable Joseph Brings Plenty, Chairman of the Cheyenne River Sioux Tribe, made a request to the subcommittee in FY 2007 to fund the Indian Jobs Placement Program-United Sioux Tribes. In FY 2010, U.S. Representative Stephanie Herseth-Sandlin (D-SD) and U.S. Senator Tim Johnson (D-SD) requested funding for the program to the appropriations committee. Also, the South Dakota State Legislature approved House Concurrent Resolution (HCR) 1010, which called upon Congress to include the Indian Jobs Placement Program-United Sioux Tribes in the Interior appropriations on February 25, 2009. The program offers job placement, job referral services, education assistance, direct employment activities and other features to Indian people working on and off the reservation; however, United Sioux Tribes core services are for urban Indians since Indian tribal governments are reluctant to service off-reservation needs.

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<sup>2</sup> The Newberry Library. Inventory of the Bureau of Indian Affairs Indian Relocation Records, 1936-1975, bulk 1956-1958. Chicago, IL, <http://www.newberry.org/collections/FindingAids/relocation/Relocation.html> (accessed on March 15, 2010).

<sup>3</sup> Johnson, Kendall. 2009. C2PO. 2010 Census Integrated communication Research Memoranda Series, No. 6. U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau. November 10. p. 6.

**National Tribal Cultural Resources Database**

Also, for FY 2011, I respectfully request \$1.2 million be added to the Interior Appropriations bill as a line item for the Bureau of Indian Affairs for the next five years. These funds would be included in the Community and Economic activity for the Operation of Indian Programs to support the United Sioux Tribes Development Corporation. These funds will be used for Native American interdisciplinary projects administered by the United Sioux Tribes and supported in partnership by the U.S. Geological Survey scientists. Goals of this partnership include increased employment for Native Americans, pooling resources and expertise for research, economic development, inventory of natural resources and tribal lands, assessment of cultural resources, and earth science education and training. The United Sioux Tribes is working with the U.S. Geological Survey (USGS) toward reauthorizing a memorandum of understanding signed on October 27, 2004, to develop a working relationship for developing geographical information systems, information technology, natural resource research and training, and sharing science data and facilities. We anticipate supporting the database with the Indian Jobs Placement Program-United Sioux Tribes to maximize opportunities for Native Americans in information technology and other high-tech fields. The impetus behind the database is Executive Order 13175, which was signed by former U.S. President William Jefferson Clinton on November 6, 2000. The order requires the heads of all departments to provide government-to-government consultation and coordination with Indian tribal governments. Also, the order effectively removes the Bureau of Indian Affairs as the lead agency in federal trust, creating an unfunded mandate with Indian tribal governments. For example, if federal land and resource management agencies consult with tribes on activities lying within their traditional cultural properties, then what recourse do tribal governments have concerning the assertions made by these federal agencies? Congress has a trust obligation to tribe, which includes providing tools to tribes needed to evaluate public land initiatives on their traditional cultural properties. The Black Hills National Forest and the Rocky Mountain Region neither consults with the Sioux tribes on any public lands issue nor do they maintain a full-time Tribal Relations Specialist. Briefly, the database supports tribal cultural resource management and utilizes remote sensing or Digital Orthographic Quadrangles (DOQ). The DOQ data is simply aerial photography, which undergoes a mathematical process to adjust for camera tilt and topographical variations in the surface of the earth. Tribes accessing the database are protected from the Freedom of Information Act under Public Law 110-246, Sections 8106. The Flandreau-Santee Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska passed a resolution to participate in a demonstration project. The South Dakota State Legislature urged Congress to include funding for the National Tribal Cultural Resources Database in HCR 1011, which passed the bicameral legislative body on February 25, 2009.

**Conclusion**

Thank you, Chairman Moran, former Chairman Dicks, Ranking Member Simpson, and members of the Subcommittee on Interior, Environment and Related Agencies for this opportunity to testify before this committee. I urge the committee to act upon this request. Thank you again.

Mr. MORAN. Thank you, Mr. Skye. We are going to do everything we can to see that Native American people are not disadvantaged by the fact that Norm is no longer Chair, and he is the Vice-Chair of the committee, and we have a very strong advocate particularly in Mr. Cole.

The folks, the communities that you pull together that were in such desperate poverty, how long ago was that?

Mr. SKYE. Mr. Chairman, we did that way back there in 1969.

Mr. MORAN. Yes.

Mr. SKYE. And we had done a lot of work to be sanctioned, the organization was sanctioned by all the Tribal Councils. It was voted on by resolution, and our main purpose was to do economic development, but then as the Indian people became more aware of the organization, they demanded more things of me, so I had to—

Mr. MORAN. Right. Yes.

Mr. SKYE [continuing]. Do education and everything else.

Mr. MORAN. I just wanted to fully understand that fact. Well, I am sure you have made a very positive difference, and we appreciate you caring as much as you do.

Mr. SKYE. Thank you very much.

Mr. MORAN. Thank you, Mr. Skye. Were there any questions?

Mr. COLE. Quick comment, Mr. Chairman.

Mr. MORAN. Yes. Mr. Cole.

Mr. COLE. I just wanted to thank you for two things. First in your testimony, I really appreciate the fact you mentioned the roles of President Nixon, Ford, and Reagan played in reestablishing self-determination and frankly how much better that has made things, because we deal with folks much better if we are dealing with Tribal Governments than trying to deal with isolated individuals.

Second, I really want to echo the point that you made about the mapping program and the archeological work. Mr. Chairman, I had occasion last week when we were on break to visit the Oklahoma Archeological Site at the University of Oklahoma, and of course, my fellow Chickasaw, Lieutenant Governor Keel is here, we are newcomers to Oklahoma. We have only been there since 1830, but they have identified 25,000 archeological sites in Oklahoma that they have catalogued and some of them going back 11,000 years to buffalo-kill sites in the western part of the state.

So getting that identified is important. We all mentioned something about Chief Mankiller. She used to have a wonderful saying, "You do not know who you are until you know who you were." That is a very farsighted emphasis on your part, I think, to help us uncover and preserve what is a long, deep, rich history in this continent.

Mr. SKYE. Thanks very much.

Mr. MORAN. Thanks very much, Mr. Cole.

We have also been joined by Mr. Simpson. Thanks for joining us. Very good. Thank you, Mr. Skye.

Mr. SKYE. Thank you.

Mr. MORAN. Thank you. Next we will hear from Andy Joseph, who is the Chairperson of the Northwest Portland Area Indian Health Board, Oregon. Mr. Joseph.



THURSDAY, APRIL 15, 2010.

**NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD****WITNESS****ANDY JOSEPH**

Mr. JOSEPH. Good morning, Chairman Moran, Ranking Member Simpson, and Mr. Cole and Honorable Mr. Norm Dicks. I am Andy Joseph, Jr. I chair the Portland Area Indian Health Board in the Health and Human Services Committee for the confederated tribes of the Colville Indian Reservation. For 21 years our organization has conducted a detailed analysis of the IHS budget. It is used by Congress and the Administration, the Indian Health Advocate nationally. I am here today to provide our recommendations for IHS fiscal year 2011 budget.

I want to begin by underscoring the significant health disparities that Indian people face and the progress we have made to address them over the last 30 years since IHS was established in 1954, has reduced maternal mortality by 64 percent, reduced cervical cancer by 76 percent, reduced tuberculosis mortality by 80 percent. The average death rate has lowered by 29 percent.

Despite these improvements, Indian people continue to have the highest disparities in the United States; 400 percent more likely to die of tuberculosis, 91 percent more likely to die of suicide, 300 percent more likely to die of diabetes complication, 67 percent more likely to die of pneumonia or influenza. Because of these health disparities, the funding recommendations this committee makes to the Appropriations Committee are critical to improving the health status of our people.

The fundamental budget principle of the Northwest Tribes is that you must maintain the basic health program. To do this Congress must provide adequate funding to cover pay increases, inflation, population growth, and contract support costs. If these costs are not funded, tribes have no alternative but to cut health services to absorb these mandatory costs.

We recommend for fiscal year 2011 that at least \$469 million increase be provided to the Indian Health Service as follows. We urge the committee to take into consideration actual medical inflation. The IHS Congressional justification uses a 3.3 percent inflation rate to calculate need in fiscal year 2011. Comparatively, the CPI inflation rates for hospital services is over 7 percent and for hospital outpatient services is over 8 percent.

We recommend the committee provide \$268 million to fund medical inflation for IHS Programs and at least \$80 million of this to provide for CHS Program. The Senate Committee on Indian Affairs reports unmet need in the CHS Program to be at least \$1 billion, and an \$80 million increase is reasonable.

We recommend that at least \$60 million be provided to fund population growth in the Portland area. Our user population last year grew by 2.4 percent, and unless funding is provided for population growth, services will have to be cut.

We recommend a \$146 million increase to contract support costs for funding ongoing CSC needs. Funds to support past years short-

falls owed to tribes who have assumed programs on behalf of the IHS.

Health reform holds great potential for Indian people, and we encourage the subcommittee to begin thinking about how it can assist tribes to implement and benefit from health reform. The IHS system does not have the same capacity to provide comparable healthcare services across its system. Because of this, not all Indian people will benefit on an equal basis in health reform. This is a result in the varying levels of IHS funding.

Facilities, infrastructure, staffing packages, and third party collections used to provide healthcare. To address these we recommend two things. First, funding provided for the Indian Healthcare Improvement Fund and through CHS Program must be carefully evaluated to consider the unique needs and circumstances of CHS-dependent areas. We further recommend that the subcommittee monitor the IHS to make sure that the resources are allocated carefully and fairly in the Indian Healthcare Improvement Fund and in the CHS Program. Otherwise it will continue to perpetuate the inequities in the level of care provided across the system.

Second, we recommend that the committee encourage the IHS to explore alternative, innovative ideas for facilities' construction that will allow tribes to develop additional infrastructure, staffing capacities to provide health services that will be expanded under health reform. Examples of this includes adding staffing packages to the Small Ambulatory Constriction Program and develop regional referral specialty care centers to maximize CHS funding.

I thank you, and I am happy to take any questions you might have.

[The statement of Mr. Joseph follows:]

**Testimony of Andrew Joseph, Jr.  
The Northwest Portland Area Indian Health Board**

**Before:**

**House Subcommittee on Interior, Environment, and Related Agencies  
Public Witness Hearing  
April 15, 2010**

Good morning Chairman Moran, Ranking Member Simpson, and members of the Subcommittee. On behalf of the Northwest Portland Area Indian Health Board, I thank you for this opportunity to provide testimony on the Indian Health Service (IHS) budget. Established in 1972, NPAIHB is a P.L. 93-638 tribal organization that represents 43 federally recognized Tribes in the states of Idaho, Oregon, and Washington on health care issues.

For the past twenty years, our Board has conducted a detailed analysis of the Indian Health Service (IHS) budget. Our Annual IHS Budget Analysis and Recommendations report has become the authoritative document on the IHS budget. It is used by the Congress, the Administration, and national Indian health advocates to develop recommendations on the IHS budget. It is indeed an honor to present you with our recommendations.

**Indian Health Disparities**

The Indian Health Care Improvement Act (IHCIA) declares that this Nation's policy is to elevate the health status of the AI/AN people to a level at parity with the general U.S. population. Over the last thirty years the IHS and Tribes have made great strides to improve the health status of Indian people through the development of preventative, primary-care, and community-based public health services. Examples are seen in the reductions of certain health problems between 1972-74 and 2000-2002: gastrointestinal disease mortality reduced 91 percent, tuberculosis mortality reduced 80 percent, cervical cancer reduced 76 percent, and maternal mortality reduced 64 percent; with the average death rate from all causes dropping 29 percent.<sup>1</sup>

While Tribes have been successful at reducing the burden of certain health problems, there is evidence that other types of diseases are on the rise for Indian people. For example, national data for Indian people compared to the U.S. all races rates indicate they are 638 percent more likely to die from alcoholism, 400 percent greater to die from tuberculosis, 291 percent greater to die from diabetes complications, 91 percent greater to die from suicide, and 67 percent more likely to die from pneumonia and influenza.<sup>2</sup> In the Northwest, stagnation in the data indicates a growing gap between the AI/AN death rates and those in the general population might be increasing. These data document that despite the considerable gains Tribes have made to address health disparities, that these gains are reversing and the health of Indian people could be getting worse.<sup>3</sup>

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<sup>1</sup> FY 2000-2001 Regional Differences Report, Indian Health Service, available: [www.ihs.gov](http://www.ihs.gov).

<sup>2</sup> Ibid.

<sup>3</sup> Please note findings in, *The Health of Washington State: A Statewide Assessment of Health Status, Health Risks, and Health Care Services*, December 2007. Available: <http://www.doh.wa.gov/hws/HWS2007.htm>.

### Recommendation: Restore lost Purchasing Power to the IHS Budget

The fundamental budget principle for Northwest Tribes is that the basic health care program must be preserved by the President's budget request. Our analysis of the IHS budget indicates it will take \$474 million to maintain current services in FY 2011. While the President's request is adequate to cover most mandatory costs, an additional \$120 million is needed to fully fund contract support costs, medical inflation, and population growth. Our analysis indicates the over the last ten years that the IHS budget has lost over \$509 million in lost purchasing power due to unfunded medical inflation and population growth. The sizeable increase received in FY 2010 restored over \$200 million in lost funding to the IHS budget. This type of sizeable increase is needed to continue to restore the lost purchasing power of the IHS budget and to allow Tribes to address the significant health disparities that exist in Tribal communities. If they are not funded IHS and Tribes have no alternative but to cut the level of health care services in order to absorb these mandatory cost requirements. We strongly urge the Congress to work with the Administration to restore this lost purchasing power in FY 2011.

IHS Budget FY 2002 to FY 2010 Unfunded Inflation and Population Growth					
Fiscal Year	Inflation	Population Growth	Total Mandatory Costs	Approved IHS Budget Increase	Unfund Mandatory Costs
FY 2002	\$128,068	\$55,204	\$183,272	\$129,326	\$53,946
FY 2003	140,650	57,920	\$198,570	91,569	\$107,001
FY 2004	124,063	59,843	\$183,906	72,053	\$111,853
FY 2005	147,016	61,356	\$208,372	63,352	\$145,020
FY 2006	121,285	62,686	\$183,971	60,244	\$123,727
FY 2007	148,619	63,952	\$212,571	134,838	\$77,733
FY 2008	179,783	66,783	\$246,566	166,031	\$80,535
FY 2009	175,994	70,270	\$246,264	234,940	\$11,324
FY 2010	\$202,771	\$67,010	\$269,781	\$471,251	(\$201,470)
<b>TOTAL</b>	<b>\$1,368,249</b>	<b>\$565,024</b>	<b>\$1,933,273</b>	<b>\$1,423,604</b>	<b>\$509,669</b>

Source: NPAIHB Annual Budget Analysis Recommendations FY 2002 to FY 2010.

### Per Capita Spending Comparisons

The most significant trend in the financing of Indian health over the past ten years has been the stagnation of the IHS budget. With exception of a notable increase of 9.2% in FY 2001 and last year's 14% increase, the IHS budget has not received adequate increases to maintain the costs of current services (inflation, population growth, and pay act increases). The consequence of this is that the IHS budget is diminished and its purchasing power has continually been eroded over the years. As an example, in FY 2009, we estimated that it would take at least \$513 million to maintain current services<sup>4</sup>. The final appropriation for the IHS was a \$235 million increase, falling short by \$278 million. This means that Tribes must absorb unfunded inflation and population growth by cutting health services.

The IHS Federal Disparity Index (FDI) is often used to cite the level of funding for the Indian health system relative to its total need. The FDI compares actual health care costs for an IHS beneficiary to those costs of a beneficiary served in mainstream America. The FDI uses actuarial methods that control for age, sex, and health status to price health benefits for Indian people using the Federal Employee Health Benefits (FEHB) plan, which is then used to make per capita health expenditure comparisons. It is estimated by the FDI, that the IHS system is funded at less than 60 percent of its total need.<sup>5</sup>

<sup>4</sup> FY 2009 IHS Budget Analysis & Recommendations, Northwest Portland Area Indian Health Board, March 17, 2008; available: [www.npaihb.org](http://www.npaihb.org).

<sup>5</sup> Level of Need Workgroup Report, Indian Health Service, available: [www.ihs.gov](http://www.ihs.gov).

### FY 2011 IHS Budget Recommendations

Our annual analysis estimates that it will take at least \$328 million to maintain current services for IHS programs in FY 2010. Add to this \$146.1 million in unpaid contract support costs (CSC) that the IHS owes Indian Self-Determination and Education Assistance Act (P.L. 93-638) contractors, brings the total increase needed in FY 2011 to \$474 million. While the President's budget provides adequate funding of \$354 million to cover inflation and population growth, its distribution within the IHS accounts will not maintain current services as proposed. Staffing new facilities and program expansions will absorb \$217 million leaving only \$137 million to cover our projected costs of \$328 million for inflation and population growth. This does not even consider the \$146.1 in CSC funding that is owed to Tribal contractors. NPAIHB recommends that the Subcommittee include an additional \$120 million for the IHS appropriation to fund uncompensated inflation, population growth, and the CSC shortfall owed Tribes.

<b>FY 2011 Current Service Requirements</b>	
<i>Mandatory Cost to Maintain Current Services</i>	<i>Increase needed</i>
Additional CHS inflation	\$ 80,273
Health Services Account Inflation (not including CHS)	\$187,431
Contract Support Costs Shortfall	\$146,100
Population Growth (estimated at 2.1%)	\$ 60,444
<b>Total Mandatory Costs</b>	<b>\$474,248</b>

### Recommendations:

1. NPAIHB recommends that the Subcommittee provide an additional \$120 million to cover inflation, population growth, and CSC shortfall in the FY 2011 IHS appropriation. Alternatively, if additional funding cannot be provided than the Subcommittee should consider reallocating the President's \$354 increase among the sub-accounts so that the mandatory costs associated with medical inflation, population growth, CSC shortfall can be funded in FY 2011.
2. NPAIHB recommends that at least \$80.2 million be provided for the IHS Contract Service Program (CHS). The CHS program is extremely important for Northwest Tribes since the Portland Area does not have any hospitals and must rely on the CHS program for all specialty and inpatient care. Other parts of the IHS system have access to hospitals for specialty and inpatient care. The CHS program makes up 34% of the Portland Area budget and when less than adequate inflation and population growth increases are provided, Portland Area tribes are forced to cut health services to absorb these mandatory costs. Those IHS areas that have inpatient care can absorb CHS funding shortfalls more easily the CHS dependent areas with their larger size staffing packages and infrastructure. The Senate Committee on Indian Affairs' 2011 Views and Estimates letter highlights the fact that the unmet need in the CHS program is at least \$1 billion and certainly an additional \$80.2 million is justified.
3. Health care reform holds the potential to provide many AI/AN people with access to health care. Unfortunately, not all Tribes have the same capacity to provide health care services. This means that not all Indian people will benefit in health reform. This is a result of the varying levels of IHS funding, facilities infrastructure, staffing packages, and third-party collections used to provide health care services. Indian people located in CHS dependent

areas will be disadvantaged when it comes to health reform because they won't have the same access to health services as Indian people located in IHS areas that have inpatient hospitals. Because of this fact, funding provided from the Indian Health Care Improvement Fund and through CHS program increases must take into consideration the unique needs of CHS dependency. We recommend that Subcommittee monitor the IHS to make sure that resources are allocated carefully and fairly in the IHCIF and CHS program. Otherwise it will continue to perpetuate the inequities in the levels of health care that exist in the IHS system.

4. The IHS estimates that there is at least a \$2.6 billion backlog of facilities construction projects. For the last three years, the IHS National Budget Formulation Workgroup has recommended alternatives forms of facilities construction should be funded. In FY 2010, the workgroup recommended that \$20 million be provided for an Area Distribution Fund (ADF). In FY 2011, the workgroup again recommended that \$140 million be provided for an ADF. Most recently, for the FY 2012 budget cycle, the workgroup has recommended that \$10 million be provided for the Small Ambulatory Grant program (SAP). Despite these recommendations in the budget consultation process, the IHS Congressional Justification has not included funding for alternative construction projects the last three years.

We respectfully request that Congress intervene since the IHS refuses to provide alternative facilities construction funding as recommended by Tribal consultation. We recommend that the Subcommittee provide \$40 million, out of the facilities construction funding, for the SAP program in FY 2011. This action is consistent with the IHS National Budget Formulation workgroup recommendations and supported nationally by Tribes.<sup>6</sup> We also note that in the FY 2012 Five Year funding plan, it includes \$40 million for the SAP. We recommend this begin sooner rather than later given the tremendous construction needs in Indian Country.

We further recommend that the Subcommittee include appropriations language directing the IHS to include a 50 percent staffing and equipment package in the SAP program, similar to those projects funded under Section 301(c) of the Indian Health Care Improvement Act (P.L. 94-437), in order to realign the IHS facilities construction programs so that it provides equal opportunities for Tribes across Indian Country.

5. We recommend that the Subcommittee provide an additional \$146.1 million to fund past year's CSC shortfalls that are owed to Tribes under P.L. 93-638. The well-documented achievements of the Indian self-determination policies have consistently improved service delivery, increased service levels, and strengthened Tribal governments, institutions, and services for Indian people. Every Administration since 1975 has embraced this policy and Congress has repeatedly affirmed it through extensive amendments to strengthen the Self-Determination Act in 1988 and 1994.
6. NPAIHB recommends that the Congress work to restore the \$509 million in lost purchasing power to the IHS budget over the last ten years by providing adequate budget increases in FY 2011.

We hope that you will be able to fund our recommendations and look forward to working with the Subcommittee on our request. Thank you for this opportunity to provide our recommendations on the FY 2011 IHS budget.

<sup>6</sup> See FY 2010, FY 2011 and FY 2012 IHS National Budget Formulation Workgroup budget testimony submitted to the Indian Health Service and Department of Health and Human Services, at the annual HHS Department-wide Budget Consultation meetings held in March/April each fiscal year.

Mr. JOSEPH. You know, one time I had breakfast with Norm Dicks, and——

Mr. MORAN. And you still remember it? That must have been quite a breakfast.

Mr. JOSEPH. He asked me where I was from, and I told him from the Colville Indian Reservation, and he said, do you know Lucy Covington? I said, yeah, that is my grand aunt. He says, well, she never used to ask us for anything. She would tell us what we were going to do for you. So as a tribal leader, government to government, I ask you to or I tell you to—this is what I want you to do for us.

But thank you, Norm Dicks, for all your time that you have helped us.

Mr. DICKS. Thank you.

Mr. MORAN. Good for you. Thank you very much, Mr. Joseph. Very good. Well done. You could have actually just made that statement, and it would have sufficed on the written testimony.

Next we will hear from Fawn Sharp, who is the President of the Quinault Indian Nation in Washington State. Ms. Sharp.

Mr. DICKS. Welcome, Fawn.

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THURSDAY, APRIL 15, 2010.

## QUINAULT INDIAN NATION

### WITNESS

#### FAWN SHARP

Ms. SHARP. Thank you, Chairman. First of all, I would like to congratulate you on this new post, and I would also like to congratulate the committee as a whole for the amazing accomplishments and success of the work of this committee over the last year and especially to our representative, Congressman Norm Dicks. Norm, thank you for your dedication and effort to Indian Country.

I have three basic initiatives, priorities I would like to mention for and on behalf of the Quinault people, but before I do that I would like to first of all draw your attention to the first page of our testimony. We have laid out our recommendations in support of the affiliated tribes to the Northwest Indians, the Northwest Portland Area Indian Health Board, and the Northwest Indian Fisheries Commission. We have also identified a number of national and self-governance requests and recommendations that we would like to lend the support of the Quinault Indian Nation to.

The first item that we would like to provide testimony on relates to the Quinault River Blueback Restoration Project. For those of you that are not familiar with that project, two years ago the Quinault Indian Nation looked at the Upper Quinault, and we saw widespread decimation of the flood plain. We saw houses being pulled into the river, we saw infrastructure being destroyed. For the last century the Upper Quinault has been wildly shifting from the north to the south.

Now, we do have our own vision for what we would like to see in the Upper Quinault. It is about an 80-year vision. This is what we call a legacy plan that the Quinault Nation is putting together.

We would like to see a mature, stable forest in place, large carbon sinks. It is an opportunity that we not only stabilize and secure local communities and infrastructure but to provide restoration to our sacred Blueback salmon.

Along the way this project is going to create 20 to 30 jobs for construction. It is going to provide a sustainable economy for well over 100 commercial fishermen and 25 sport fishing guides. So it is a project that we have enlisted the local community, the state, the Army Corps of Engineers, and it is going to take 80 years to see this vision come to fruition, but in the last two years we have taken our very first step. We have constructed 12 engineered log jams and are proving to be effective. The river has shifted to the north, and that entire bank has been secure. So in a short period of time we have seen immediate success, and we plan to do that through fiscal year 2019. Maybe when I am 86 years I will see mature forests in the flood plain. I will be 40 next month, Norm.

Mr. DICKS. Too long to wait.

Ms. SHARP. The next item that I would like to speak to you about is a request that we have for resource protection and enforcement. The Quinault Nation is comprised of over 200,000 acres of forest and lands. There are 22 points of entry into the interior of our reservation from Lake Quinault to the Queets community. We have seen widespread natural resource looting, a destruction of our sacred materials that we use for basketry. We also would like to step up enforcement and provide six additional enforcement officers for our fishery, wildlife, and securing our treaty-based resources.

So we want to provide a comprehensive approach to ensuring those that are recklessly disregarding our laws that we have in place to ensure that our resources are sustained into the future are brought to justice.

The last item that I would like to speak to you about is our Comprehensive Substance Abuse Strategy. The Quinault Nation is seeking \$500,000 to step up our Substance Abuse Comprehensive Strategy to seek, not only treatment, but prevention, after we have seen widespread and prolific increase to prescription pain medication, as well as the continued threat of methamphetamine within our communities.

Our Comprehensive Strategy is seeking to leverage participation throughout the community. We have encouraged collaborative relationships with governmental departments, health authorities, medical professionals, community members, churches, and families. We see and recognize that to address drugs in our community it is going to take a comprehensive, widespread approach throughout the entire Nation and our local community.

So with that I would like to thank this committee. It has been a pleasure, and I do thank you for your time.

[The statement of Ms. Sharp follows:]





**Quinault Indian Nation**  
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**ORAL TESTIMONY BEFORE THE  
 HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
 ON THE FY 2011 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS AND THE INDIAN HEALTH  
 SERVICE**

**BY FAWN R. SHARP, PRESIDENT  
 QUINULT INDIAN NATION  
 April 15, 2010**

*"The Great Spirit bestowed life to all of us...including the animals, birds, fish, insects and plants. Our collective Native warnings and predictions were ignored in the rush to capitalize and exploit the bountiful resources of the land. Countless irreplaceable species are preserved now in museums or documents in textbooks. As the consequences of unmanaged exploitation and pollution reach irreversible proportions, the United States heeded our centuries old appeals for environmental protection. We only hope it's not too late and that Mother Nature's wounds can still be healed. We will continue to serve as the environmental conscience to the nation and the world."*

*Joseph B. DeLaCruz, President  
 Quinault Indian Nation, 1972-1993*

Good afternoon and congratulations to Congressman James Moran in your new role as Chairman of this Committee, to the distinguished Representative from my District in Washington State, Congressman Dicks and other honorable Members of this Committee. Thank you for the opportunity to appear before this Committee and provide oral testimony on the FY 2011 Budgets for the Bureau of Indian Affairs and the Indian Health Service. On behalf of the Quinault Indian Nation, we ask that this Committee not access unfair/disproportionate rescissions on FY 2011 funding for the BIA and IHS and other Indian Program Funds. Our requests and recommendations are as follows:

**Tribal Specific Priority Requests**

- **\$7 million a Year for Blueback Restoration – BIA (for 2011-2019)**
- **\$480,000 for Resource Protection and Enforcement - BIA**
- **\$500,000 for Substance Abuse Strategy - IHS**

**Local/Regional Requests and Recommendations**

- **Affiliated Tribes of Northwest Indians**
- **Northwest Portland Area Indian Health Board**
- **Northwest Indian Fisheries Commission**

**National and Self-Governance Requests and Recommendations - BIA REQUESTS:**

- **Provide \$82.9 million General Increase to BIA Tribal Priority Allocation for inflationary and fixed costs;**
- **Provide \$64 million increase for BIA Contract Support Cost (CSC), including Direct CSC;**

- Provide \$5 million increase in the Indian Self-Determination (ISD) Fund;
- Provide 100% of Fixed Costs (uncontrollable), including Tribal Pay Costs; and
- Increase funding to the Office of Self-Governance to fully staff the office for the increase of Tribes entering Self-Governance

**National and Self-Governance Requests and Recommendations -IHS REQUESTS**

- Provide \$474 million for IHS mandatory, inflation and population growth increase to maintain existing health care services;
- \$330 million increase for Contract Health Services (CHS);
- \$122 million increase for IHS to fully fund Contract Support Cost (CSC), including Direct CSC; and,
- Increase \$5 million to the Indian Health Service (IHS) Office of Tribal Self-Governance

**TRIBAL SPECIFIC REQUESTS JUSTIFICATION**

**\$61 MILLION BLUEBACK RESTORATION (\$7 million annually from 2011-2019)**

The Blueback Restoration Program is designed to halt the current habitat loss and deterioration and to repair and restore natural habitat forming processes and sockeye production on the Quinault floodplain. Conditions that will result from implementation of this program will benefit other salmon stocks in the system and will serve to protect private property and public infrastructure. The program plan calls for formation of public and private coalitions and partnerships to implement restoration actions.

The Quinault River Blueback (Sockeye Salmon) Restoration Program will help to restore the natural beauty and productivity of the Quinault River Basin to historic levels, thus making it a more attractive tourism destination. In addition, the program will provide local construction jobs during its implementation phase, and the restoration program will result in conditions that will improve and sustain commercial and sport fishing on the Quinault River. The program will also benefit local residents and businesses by reducing the likelihood of flooding and property loss and increasing local economies both in the near and long term future. Implementation of the restoration program will help avoid the burdensome and restrictive consequences of having the Quinault sockeye listed as threatened or endangered under provisions of the Endangered Species Act (ESA).

This unique and valuable stock of salmon is near collapse due mostly to degraded habitats in the upper Quinault River Basin and in Lake Quinault. This habitat loss has occurred over the past century due to historic timber harvesting, property development, and infrastructure construction. Natural processes on the floodplain began unraveling in the late 1800s and the deterioration is continuing in the present time.

This is a long term project expected to take up to 20 years to complete structure placement and enhancement, including the engineering and material procurement, with full implementation occurring in the decades following as natural processes rebuild the habitat to historic

conditions. Through successful efforts of this program, it will protect and restore the livelihoods of 100 commercial fishermen and 25 sport fishing guides in Grays Harbor and Jefferson Counties and the Quinault Indian Reservation.

The program will also contribute partial support for approximately 20 jobs in the fish processing industry in western Washington, thus improve the economic status of the families living in the communities within the Quinault Indian Reservation. The program will provide employment for 10-30 laborers and equipment operators in Grays Harbor and Jefferson counties during the construction phases of individual projects.

This project will reverse adverse environmental impacts by restoring habitats and ecosystems of the Quinault River and Lake Quinault while at the same time stabilizing the river channel in efforts to protect infrastructure and property loss.

The construction phase of this plan was implemented in the Fall of 2008 with the construction of 12 engineered log jams. With full funding as needed on an annual basis, the basic construction phase of this project is expected to be completed at the end of Fiscal Year 2019. Fertilization, data acquisition and monitoring will continue for many years.

**\$480,000 for Resource Protection and Enforcement (6 Enforcement Officers)**

The Quinault Indian Nation operates many Natural Resource programs that are not funded to sufficient levels. We particularly are in need of funds to protect QIN and Indian resources through enforcement of regulations, infraction and trespass detection, and investigation. With a reservation area in excess of 200,000 acres coupled with the larger Usual and Accustomed area outside the reservation where we exercise fishing, hunting and gathering treaty rights under our self-regulatory status, we cannot possibly accomplish the needed level of detection and enforcement with current funding.

In 2010 dollars, we estimate the cost to support one enforcement officer at \$80,000 per annum. This covers compensation, benefits, equipment, vehicle, supplies and training. We are in need of reliable, continued funding to support an additional 6 enforcement officers to provide better protection of our fish, wildlife and forest resources.

**\$500,000 SUBSTANCE ABUSE STRATEGY PLAN**

The Quinault Indian Nation Substance Abuse Strategy seeks to improve, integrate and strengthen the overall health and services to protect the communities on the reservation from the significant risks related to methamphetamine productions and use by targeting enforcement, outreach, prevention, stabilization and harm reduction services to high risk-populations.

Methamphetamine use within the Quinault Indian Nation is a serious concern and a significant public health and social challenge. Since its introduction to the community, the government of the Quinault Indian Nation has taken a proactive approach to dealing with crystal meth. It

affects a number of different groups; however, it is most prevalent among youth and young adults.

Some of the major problems contributing to the spread of meth trafficking is the size and isolation of our communities, and jurisdictional issues related to law enforcement on Tribal lands. Tribal and local agencies are discovering that cooperation and collaboration represent a way to leverage resources to attack the threat of methamphetamine. Cooperative, inter-jurisdictional law enforcement efforts are the only way that Federal, tribal, and state law enforcement agencies will be able to effectively combat methamphetamine.

The Quinault Indian Nation's Substance Abuse Strategic Plan is part of a broader more comprehensive alcohol and drug strategy being developed that recognizes the need to plan for the future. The Nation has encouraged collaborative relationships among government departments, health authorities, professionals, community members and families to create conditions that **prevent** drug use, **treat** drug users, **educate** the public and hold offenders **accountable** and **control access** to ingredients and supply while helping to ensure safer communities.

Most importantly, we have actively sought the guidance and wisdom of our elders and with the participation of our youth, community, churches and school districts we have undertaken a multidisciplinary approach and strategy, emphasizing prevention, enforcement, treatment and aftercare. Unfortunately, the best plans prove valuable only when the funding is available to execute and implement the strategy. We have found that at every level and in every discipline, funding to support our strategy is appallingly inadequate.

We stress the urgent need to reclaim our communities to protect our families, our elders and our next seven generations from this menacing and deteriorating drug on the Quinault Indian Nation Reservation.

We support all requests and recommendations of the **Intertribal Timber Council, the National Congress of American Indians (NCAI) and the National Indian Health Board (NIHB).**

Again, thank you for this opportunity on behalf of the people of the Quinault Indian Nation.

Mr. MORAN. Thank you, Ms. Sharp. Thank you very much.

Mr. Dicks.

Mr. DICKS. I just want to say to Fawn that we are glad you are here, and we know this Blueback salmon issue is serious, and we appreciated your supplies that were sent to the event last week, and we thank you very much.

Ms. SHARP. Excellent.

Mr. DICKS. Thank you.

Mr. MORAN. Thank you, Ms. Sharp.

All right. Next we will hear from Jefferson Keel, the President of the National Congress of American Indians. Nice to see you, Mr. Keel.

THURSDAY, APRIL 15, 2010.

## NATIONAL CONGRESS OF AMERICAN INDIANS

### WITNESS

#### JEFFERSON KEEL

Mr. KEEL. Thank you. Good afternoon, Mr. Chairman.

Mr. MORAN. Good afternoon.

Mr. KEEL. Congressman Cole, Congressman Dicks, Mr. Simpson. Thank you for allowing us this opportunity to bring to you some items of interest in Indian Country.

The first area I will address is public safety and justice. In Interior, the Administration has proposed an Empowering Tribal Nations, Protecting Indian Country Initiative that provides an additional \$20 million in program funding over the fiscal year 2010, enacted level. The Department of the Interior is to collaborate with Justice for additional FBI agents dedicated to protecting Indian lands.

NCAI has concerns about the proposed transfer of law enforcement funds from Interior to the FBI. In the 1980s the Reagan Administration transferred the entire BIA budget for investigations to the FBI. Even though these funds are now built into the FBI budget, the FBI has sometimes lost sight of its mission to provide these services to Indian Country.

In addition, tribal leaders have consistently stated that the highest need is to provide more funding and more consistent funding for regular policing budgets. From 2005, to 2010, funding for BIA law enforcement has risen by 68.4 percent, from \$180 million to \$303 million. The major purpose of this increase was to put more cops on the street to combat violent crime, which is what tribal leaders have called for.

Upon review of the Law Enforcement Spending Plan for fiscal years 2005 to 2009, the greatest percentage of increases went to the BIA Central Office, BIA District Commands, and the BIA Direct Service Operations. The smallest increases went to 638 and self-governance tribes. We would urge the subcommittee to ensure that substantial law enforcement funding increases make it down to the tribal level and provide the needed boots on the ground.

Next is Energy and Natural Resource Programs. The President's fiscal year 2011, budget request for EPA would establish a new focused, multi-media Tribal Implementation Grants Program to support on-the-ground implementation of environmental protection on

tribal lands. These grants for which \$30 million is requested are tailored to address an individual tribe's most serious environmental needs. We support this initiative, and we also support the \$8.5 million increase for the General Assistance Program and the proposed percentage increase from 1.5 percent to 2 percent for the tribal set-asides under both the Clean Water and Drinking Water State Revolving Funds.

The 2011 budget request includes \$2.5 million for energy projects given the potential for development of both conventional and renewable energy resources on tribal lands and the drastic impacts that climate change have in Indian and Alaskan native communities. NCAI supports these requested increases with hope that such funding could be sustained and increased in future years.

We also support the requested increases in the Water Management Planning and Pre-Development, especially given level funding over a number of years for the BIA Natural Resources Programs.

The 2011 budget proposes an increase of \$28 million in Tribal Priority Allocations, TPA, which is 3.4 percent above the fiscal year 2010 enacted level. TPA funds the core governmental services that tribes provide to their citizens. We would like to request a general increase to TPA and BIA in general that takes into account inflation, pay costs, and population growth. As with other federal agencies, calculating mandatory cost increases is essential to maintaining the current level of services. These mandates are unavoidable costs and include inflation, pay costs, and population growth as stated.

If these mandatory requirements are not funded, tribes have no choice but to cut services, which further reduces the quantity and quality of core governmental services available to our Native people.

To put this in context, over the last eight years of the largest six Interior agencies, BIA received the smallest percentage increase of 11.3 percent, while the Fish and Wildlife Service budget expanded by 26 percent, and the National Park Service grew by 21 percent. NCAI and tribes understand your subcommittee must weigh many needs and priorities, but we hope that we can work with you to ensure trust responsibility to tribes is honored in the budget process.

Again, thank you for the opportunity to testify this afternoon.

[The statement of Mr. Keel follows:]



## NATIONAL CONGRESS OF AMERICAN INDIANS

MARCH 19, 2010

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On behalf of the National Congress of American Indians, thank you for the opportunity to provide testimony on tribal programs in the FY 2011 budget under the Interior-Environment Appropriations bill. This testimony will address programs in the Department of Interior, Environmental Protection Agency, and Indian Health Service. Last year, for FY 2010, Congress enacted historic increases to important programs that are essential to tribes, especially during this time of economic recession. NCAI applauds the Administration's proposals for FY 2011 to continue to make investments in tribal public safety, environmental protection programs, and self-determination contract support costs and administrative cost grants. NCAI is working to strengthen investments in other areas, including in education, natural resources, and energy development programs.

### Public Safety and Justice

Across the nation, tribal leaders have underscored the importance of public safety and justice in budget consultations over the years and emphasized the need for more resources. Today the inadequacy of public safety resources poses a direct threat to Native citizens and the future of Indian Country.

### Department of the Interior (DOI)

The Administration has proposed an *Empowering Tribal Nations, Protecting Indian Country* initiative, in the FY 2011 request that builds on the congressional support realized in FY 2010 and provides an additional \$20 million in program funding over the FY 2010 enacted level. DOI will collaborate with the DOJ for additional FBI agents dedicated to protecting Indian lands. Of this increase, \$19 million will go to DOJ to fund additional agents. The FBI has primary jurisdiction over major crimes on more than 200 reservations with approximately 105 agents available to investigate crimes that occur in Indian Country. The budget also proposes an increase of \$1 million for detention center operations and maintenance for new facilities built with DOJ grants.

NCAI has concerns about the proposed transfer of law enforcement funds from Interior to the FBI. In the 1980's, the Reagan Administration transferred the entire BIA budget for investigations to the FBI. Even though these funds are now built into the FBI budget, the FBI has sometimes lost sight of its mission to provide these services to Indian Country. In addition, tribal leaders have consistently stated that the highest need is to provide more funding and more consistent funding for regular policing budgets.

## Energy and Natural Resources

The health and maintenance of natural resources – forestlands, water, fisheries, wildlife, and outdoor recreation – is vital to Native communities. We wish to offer the following comments with respect to proposed FY 2011 funding for various energy and natural resource programs.

### Environmental Protection Agency (EPA)

The President's FY 2011 budget request for the Environmental Protection Agency would establish a new focused Multimedia Tribal Implementation Grants program to support on-the-ground implementation of environmental protection on tribal lands. These grants, for which \$30 million is requested, are tailored to address an individual tribe's most serious environmental needs. This new grant program will advance negotiated environmental plans, measures, and results as agreed upon by tribes and EPA, thus ensuring that tribal environmental priorities are addressed to the fullest extent possible. An additional \$2.9 million is requested for tribal capacity building and implementation of this new grant program. ***NCAI supports this new initiative and the proposed FY 2011 levels for grants and implementation.***

The Multimedia Tribal Implementation Grants program will complement the environmental capacity developed under EPA's Indian Environmental General Assistance Program (GAP), for which the Administration requests an \$8.5 million increase, for a proposed FY 2011 level of \$71.4 million. This requested increase will assist tribal environmental programs that have been able to build capacity and mature to take on additional responsibilities. ***NCAI supports this requested increase.***

The Administration also requests a 0.5% increase – from 1.5% to up to 2% - for the existing tribal set-asides under both the Clean Water and Drinking Water State Revolving Funds. While overall funding for the tribal set-asides under the State Revolving Funds is proposed to decrease by \$2 million from the FY 2010 enacted level, overall funding for tribal water infrastructure through the State Revolving Funds tribal set-asides has increased from 3 to 6 fold since FY 2009, in addition to the \$90 million provided in Recovery Act funding. These funding increases are incremental improvements towards the overall \$1.2 billion needed to address the reality that over 12% of tribal homes lack access to safe drinking water and/or basic sanitation. ***NCAI supports the proposed percentage increase for the tribal set-asides under both the Clean Water and Drinking Water State Revolving Funds, and the Administration's proposal to allow tribes the same flexibility that states have to request that the EPA Administrator transfer funds between those accounts for tribal drinking water and wastewater projects.***

### Bureau of Indian Affairs (BIA)

As part of the Department of the Interior's *New Energy Frontier* initiative, the FY 2011 budget request for Indian Affairs includes \$2.5 million for energy projects, of which



\$1 million is for grants to tribes for renewable energy resource development, and \$1.5 million is for conventional energy resource development on the Fort Berthold Reservation. The budget also includes \$200,000 for the BIA-tribal collaboration in the Landscape Conservation Cooperatives as part of the Interior Department's Climate Change Adaptation initiative. Given the potential for development of both conventional and renewable energy resources on tribal lands, and the drastic impacts that climate change have in Indian and Alaska Native communities, ***NCAI supports these requested increases, with hopes that such funding could be sustained and increased in future years.***

In addition to these proposed increases for energy resource development, the Indian Affairs budget request for natural resources programs proposes to provide recurring funding for several long-standing tribal natural resources programs, like the Washington State Timber-Fish-Wildlife program, Circle of Flight, Lake Roosevelt management, and Upper Columbia United Tribes, which, in prior years' budget requests, were treated as "earmarks." While a number of natural resource programs - for irrigation, agriculture, endangered species, forestry, fish, wildlife and parks - are proposed to be level-funded, modest increases are proposed for several others, including Water Management, Planning and Pre-Development (\$500,000 increase), and Water Rights Negotiation/Litigation (\$1 million increase). ***NCAI also supports these requested increases, with hopes that such funding could be sustained and increased in future years,*** especially given level funding over a number of years for BIA natural resources programs.

### Support for Tribal Governments

*Contract Support Costs (CSC):* The FY 2011 budget request includes important increases to the Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) contract support costs line items. The FY 2010 Interior Appropriations Act included \$166 million for the BIA's contract support cost payments to tribes and \$398 million for IHS's contract support cost payments to tribes. These reflect unprecedented increases over the prior year amounts of \$18.7 million and \$116 million for BIA and IHS, respectively. All of these funds are paid directly to tribes and support tribal employment and the delivery of essential government functions.

Although the FY 2011 *Indian Affairs Budget Justifications* noted that the requested FY 2011 increase for BIA CSC would meet 94 percent of the FY 2011 need, that calculation was based upon the CSC 2007 need. In FY 2011, the requirement will be \$233.9 million, and the proposed funding would be \$187.5 million, which results in a shortfall of \$46.4 million and means that only 80 percent of BIA CSC would be funded under the FY 2011 request for BIA.

*Education Tribal Grant Support Costs (Administrative Cost Grants):* Schools operated by tribes/tribal school boards are entitled by law to receive an Administrative Cost Grant (ACG) for the administrative/indirect costs they incur when taking over a Bureau of Indian Education (BIE) school. Currently, 124 of the 183 BIE-funded

schools (68 percent) are operated by tribes or tribal school boards and receive ACG funding. Tribal assumption of the operation of so many BIE-system schools is a major exercise of tribal sovereignty. While NCAI supports the budget request's increase of \$3 million, for a total of \$46.4 million, NCAI recommends a level of \$71.6 million. This amount would be comprised of \$69.6 million for ongoing grants/contracts, plus \$2 million for the first-time AC Grants Fund. This would be a \$28.6 million increase over the FY 2010 enacted level.

*Tribal Priority Allocations (TPA)*: The FY 2011 budget proposes an increase of \$28 million in TPA, which is 3.4 percent above the FY 2010 enacted level. TPA is one of the most important funding areas for tribal governments. It covers such funding as scholarships and higher education, human services, economic development, and natural resource management. Since tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, these funds are the main resource for tribes to exercise their powers of self-governance.

***NCAI would like request a general increase to TPA and BIA in general that takes into account inflation, pay costs, and population growth.*** As with other federal agencies, calculating mandatory cost increases is essential to maintaining the current level of services. These "mandatories" are unavoidable costs and include inflation, pay costs, and population growth. If these mandatory requirements are not funded, tribes have no choice but to cut services, which further reduces the quantity and quality of core governmental services available to Native people. While tribes appreciate President Obama's attention to providing long needed increases to contract support costs, we are greatly concerned that the Administration has proposed no pay cost adjustment in FY 2011. Instead, tribes must absorb 100% of these costs. Contract support cost increases have no bearing on pay costs – they are completely separate. Pay costs represent the only base funding increase provided for our core governmental service programs (with the sole exception of law enforcement). ***NCAI also supports the Small and Needy Tribe initiative, as it helps strengthen critical tribal governance infrastructure.***

**Indian Health Service:**

The requested increase for the Indian Health Service budget, a 9 percent increase over the FY 2010 enacted level, which itself was a 13 percent increase over the FY 2009 level, represents an ongoing commitment by the Administration to the trust responsibility to tribes. NCAI applauds the incredible support shown by the Administration, this Committee, and the Congress to address the funding needs of the Indian Health Service, which in FY2010 was still only funded at about 50 percent of need.

Mr. MORAN. Mr. Cole.

Mr. COLE. Thank you very much. First of all, I have got to point out just for the committee, Mr. Keel wears two hats. He is also the Lieutenant Governor of my tribe, Chickasaw Nation, and we are very proud of that and frankly, very proud of the fact that before he was involved in tribal government, he was busy defending the United States of America for most of his career as a professional soldier. So thank you for that.

I do have one question. It really does not relate to your testimony because I know you are here from NCAI, but one of the things I would like the committee to be aware of and I am sure we will talk about in the next session, is the Joint Venture Opportunity in Healthcare that the Chickasaws have undertaken with the BIA, because I think this is a way forward, particularly for tribes that are able to generate economic activity.

In my district, Mr. Chairman, currently the Chickasaws are building a \$170 million hospital, there was no federal money involved in the construction activity, but obviously there will be federal support in an ongoing basis in terms of the operation. So talking about that as an alternative or an additional model I think is very important for this committee to understand what the range of possibilities there might be for all tribes.

Mr. MORAN. Very good.

Mr. KEEL. Absolutely. The opportunity there, and as Congressman Cole just mentioned, there are some tribes that have the ability to enter into these joint venture arrangements with the Federal Government, and that is that the tribe can construct a hospital, in our case we are constructing a hospital, and we simply asked the Indian Health Service to staff it, and we already have a hospital, but we are asking for a little bit of an increase in the staffing to raise the level and quality of services that are provided to Indian people.

In Southern Oklahoma we currently have a hospital that was built in 1980, to serve about 50,000 outpatient visits per year. For the last 7 years we have been over 350,000 visits per year. So, you know, we outgrew the need for that. We outgrew it 15 years ago, and so it is time for us to be able to meet the needs of the Indian people, and this hospital will go a long way in ensuring that.

We think it is a great model and something that Indian Country could model in the future.

Mr. MORAN. Sounds like it is.

Mr. COLE. It is. It is amazing.

Mr. MORAN. I wish we could duplicate that all over the country on reservations but good. Thank you.

Mr. SIMPSON. Mr. Chairman. You mentioned something that I think bothers this committee a little bit, and that is the concern that you expressed that we express also, transferring the law enforcement funds from Interior to BIA.

As I understand it, one of the problems that the FBI has when they prosecute crimes on a reservation is that they go there, and oftentimes at the crime scene, the first officer that is going to be there is your local tribal officer and oftentimes they do not have the training and so forth to secure a crime scene, and so when the evidence gets disturbed, they have difficulty prosecuting a crime.

Would not we be better off in pushing those funds down to train the tribal officers in securing crime scenes and those types of things rather than giving it to the FBI?

Mr. KEEL. Absolutely. That is exactly our point, that we believe that if we had adequate funding, we could train our local police forces in exactly that, in treating crime scenes, making the appropriate arrests when time is of the essence, and prosecuting crimes on Indian Country.

Mr. SIMPSON. Well, Mr. Chairman, as we have talked about in prior hearings, I still think it would be a good idea when we have our hearing schedule over the whole joint hearing with Commerce, justill, Science, about this issue and talk to them about it and maybe a little joint hearing.

Mr. MORAN. Absolutely. Thank you, Mr. Simpson.

Mr. KEEL. Thank you very much.

Mr. MORAN. Thank you very much. Good testimony, Mr. Keel.

Now we will hear from Nate Tyler, who is the Vice-Chair of the Makah Tribal Council in Washington State.

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THURSDAY, APRIL 15, 2010.

## MAKAH TRIBAL COUNCIL

### WITNESS

#### NATE TYLER

Mr. TYLER. Good afternoon. First and foremost I would like to congratulate you on your Chairmanship. Also, I would like to thank Mr. Norm Dicks for everything you have done for all tribes, your commitment, your dedication. We appreciate that.

Mr. DICKS. Thank you.

Mr. TYLER. Especially the Makah Tribe.

Mr. DICKS. Thank you.

Mr. TYLER. My name is Chelup. My family name means warrior. I was given the name Chelup after the Gulf War and Somalia. I am joined by T. J. Greene, Makah Tribal Council Treasurer. We have four priority issues: assistance for our decrepit jail, increased contract support costs for our Indian Health Service, which we compacted in '06, assistance from CERCLA or the Defense Department for helping us close the Warmhouse Beach Dump on the Makah Reservation, and we are asking for the National Park Service to consult with the tribes on their expansion plans in the Lake Ozette area.

The current public safety correctional facility is totally inadequate in size, capacity, and design for our community's needs. BIA did an audit in 2001, and found it in non-compliance with almost all of the BIA's detention facility standards, and it has gotten worse since then. Our tribe wants to repair the current facility by the most cost-effective means possible to meet minimum standards. We believe the best way to do that is purchase a modular unit that can be attached to the existing facility. It will be able to house inmates, as well as making improvements to the existing building for administrative uses and to the adjoining grounds.

We seek Congress's support for our modest Byrne Discretionary Grant request of \$105,200 to cover 80 percent of the cost of improvements to the existing building and grounds, remodeling the kitchen and laundry, providing new water and sewer connections, repairing or replacing the HVAC system, new vents and new security camera and better lighting. This request will help us provide a correctional facility that meets the public safety and public health needs of our community.

Contract support costs. In 2006, we compacted with the Indian Health Service. For 3 years we did not see an increase. We were stuck at 14 percent contract support costs, and you know, we spent a lot of effort coming back and forth between the Pacific Northwest and Washington, DC, and Maryland and Portland. A lot of effort was put into that, and once again, we do thank, Mr. Dicks and this subcommittee, on what they have done as far as contract support costs go.

Mr. MORAN. I think the average is about 12 percent.

Mr. DICKS. No. It is much higher. They went to 12 percent—

Mr. MORAN. Average is probably about—

Mr. TYLER. We are currently sitting at about 88 percent.

Mr. DICKS. What would it be across the board for most tribes?

Mr. MORAN. Of the total project the cost for support costs, that ratio is about 12 percent across the board, I believe. In other words, the overhead. It is about 12 percent for contract support costs.

Mr. TYLER. We urge this subcommittee to continue in the efforts of trying to close that gap and fund it at 100 percent.

The Warmhouse Beach Dump. The Makah Tribe has taken aggressive steps, we have been for the last 3 years to address this serious environmental issue and the health risks posed by the Open Beach Dump. It is a decade-old landfill started by the DOD and used by the DOD and other federal agencies. It is leaking harmful chemicals into nearby streams which flows into the pristine waters of the Straits of Juan de Fuca, a traditional shell fishing location for the Makah people.

We have initiated processes that could lead to the listing of the dump on EPA's list of Superfund sites. We will begin construction soon of a transfer station that would handle all the on-reservation garbage needs.

As a result of the legacy of waste disposed by federal agencies on tribal land, Federal Government bears substantial responsibility for cleaning up the dump. The tribe has served a demand letter on the Defense Department seeking federal monetary contribution to the tribe's clean-up effort, which is projected to cost between \$6 and \$10 million.

We have waited many years and tried many different avenues to close this dump. We believe that our latest actions are a necessary last resort to protect the health of our citizens and would appreciate the subcommittee's support of our efforts.

Olympic National Park. The Olympic National Park is talking about expanding up to 12,000 acres in our traditional UNA. They are looking at currently an expansion of 240 acres. Friday was the first time we actually made government-to-government contact

with the Park Service. The Superintendent did come out to the Makah Reservation.

We filed comments on the proposal, which focused on the needs from the National Park Service to engage in government-to-government consultation with the Makah Tribe regarding this proposed boundary expansion in order to ensure that it does not impair the treaty hunting and gathering rights of the Makah Tribe in this area. Our tribe reserved the right to hunt and gather on "open and unclaimed lands" in the 1855 Treaty of Neah Bay. This land falls within the ceded territory that would give them up.

So we request Congressional legislation to implement this boundary expansion to include a treaty savings clause, to ensure that our tribe's existing treaty rights on these lands are preserved. In the meantime we have started that discussion with the Park Service, and that happened this last Friday.

We appreciate your time, and we do thank you guys for everything you have done this past year.

[The statement of Mr. Tyler follows:]



IN REPLY REFER TO:

# MAKAH TRIBAL COUNCIL

P.O. BOX 115 • NEAH BAY, WA 98357 • 360-645-2201



## Testimony of the Makah Tribal Council Neah Bay, Washington

April 15, 2010

Before the  
House Appropriations Subcommittee  
On Interior, Environment and Related Agencies  
On the Fiscal Year 2011 Budget

Good afternoon, Mr. Chairman and Members of the Subcommittee, I am Nate Tyler, Vice Chairman of the Makah Tribal Council. I am joined today by Timothy J. Greene, our Council Treasurer. First of all, Mr. Chairman, I want to congratulate you for the honor you have received by being named Chairman of this distinguished Subcommittee.

I would like to testify today on four priority issues:

- Federal assistance for improvements to our decrepit community jail through the Department of Justice, BIA or other sources;
- The need for increased contract support cost funding from the Indian Health Service (IHS) for the administration of our Neah Bay health clinic;
- Assistance from CERCLA or the Defense Department for helping us close the Warmhouse Beach open dump on our Reservation; and
- The need for the National Park Service to consult government-to-government with the Makah Tribe on the impact of their proposed land acquisition for Olympic National Park.

### Neah Bay Jail

The current Neah Bay Public Safety Correction Facility is totally inadequate, in size, capacity and design, for our community's needs. A BIA audit in 2001 found it non-compliant with almost all of the BIA's detention facility standards, and it has gotten worse since then. Inmates have been able to escape from the jail by kicking through decomposing walls and punching out window frames. The facility has serious plumbing and wiring deficiencies. The kitchen at the jail is no longer usable for preparing meals for inmates.

Our Tribe's long-term goal is to create a modern 911 Public Safety Complex above the tsunami floodplain. Our short-term goal is to repair the current facility by the most cost-effective means possible to meet minimum standards. We believe the best way to do that is by 1) purchasing a 60' by 53' modular unit that can be attached to the existing facility and house our inmates; and 2) making improvements to the existing building for administrative uses and to the adjoining grounds. We have learned that the modular unit is not eligible for funding under the Justice Department's Byrne Discretionary Grants, so we will be pursuing that funding through grants.

We do seek Congress' support for our modest Byrne Discretionary Grant request of \$105,200 to cover 80 percent of the cost of improvements to the existing building and grounds. These funds will help pay for remodeling the kitchen and laundry, providing a new water and sewer connection, repairing or replacing the HVAC unit and air vents, new fencing, a new security camera and remodeled lighting. This request will help us provide a correctional facility that meets the public safety and public health needs of our community.

#### **Contract Support Costs**

In 2006, the Makah Tribal Council assumed the administration of all direct health care services in Neah Bay through a self-governance compact agreement with Indian Health Services (IHS). We signed that agreement with the understanding that, in the next few years, we would receive significant contract support cost (CSC) funding.

We appreciate the efforts this Subcommittee has made to address the serious shortfall in CSC funding. Our Neah Bay clinic benefited substantially from last year's increase in CSC funding. The Makah Tribe and other tribes, however, are still being short-changed.

This shortfall is inconsistent with a recent unanimous Supreme Court decision mandating full CSC funding. It also violates the letter and spirit of the Indian Self-Determination Act. Tribes might be reluctant to assume administration of their health clinics if they believe they might be short-changed in the provision of administrative support costs.

We urge this Subcommittee to build on and complete the good work done last year by providing 100 percent of CSC funding for self-governance health programs.

#### **Warmhouse Beach Open Dump**

The Makah Tribe is taking aggressive steps to address the serious environmental and health risks posed by the Warmhouse Beach Open Dump, a decades-old landfill located on the Makah Reservation that was used by the U.S. Department of Defense and other federal agencies to dispose of hazardous waste. The Dump is leaching harmful



chemicals into a nearby stream which flows into the pristine waters of the Strait of Juan de Fuca at Warmhouse Beach, a traditional shellfishing location for the Makah people. Frequent fires at the Dump contribute to air pollution in the Town of Neah Bay and the Reservation community. Closing the Dump is the Makah Tribal Council's top environmental priority.

In the 1990s, the Tribe conducted an inventory of almost thirty former U.S. Department of Defense facilities located on the Reservation. This study thoroughly documented that the Makah Air Force Station, which supported radar operations at Bahokus peak from World War II through 1988, disposed of many hazardous substances at the Dump since its opening in the 1970s, including asbestos, batteries, pesticides, paints and waste oil. For many years, other federal agencies with operations on the Reservation also disposed of their waste at the Dump. As a result of this legacy of waste disposal on tribal land, the federal government bears substantial responsibility for cleaning up the Dump and preventing further exposure of the Reservation community to the environmental and health hazards caused by the Dump.

On October 22, 2009, the Tribe initiated a process that could lead to the listing of the Dump on EPA's list of Superfund sites. The Tribe has requested that EPA conduct a Preliminary Assessment, a thorough review of the hazardous substances released at the Dump and the environmental and health risks they pose. This is the first formal step in adding the Dump to the National Priorities List, which would make the site eligible for cleanup under the federal Superfund program. The Tribe has also requested that EPA conduct a removal assessment, the first step in abating the imminent environmental threat to West Creek, which is one of two streams that drain the Dump site and discharge into the Strait of Juan de Fuca.

The Tribe has also prepared a preliminary design for a transfer station that will handle all on-Reservation waste disposal. In August 2009, the Tribe secured \$4.1 million in federal grant and loan funds to design and construct the transfer station. The design work has been completed and construction will occur over the next one to two years.

Finally, the Tribe has served a demand letter on the U.S. Defense Department seeking a federal monetary contribution to the Tribe's effort to clean up the dump, which is projected to cost from \$6 to \$10 million. If a settlement cannot be reached, the Tribe intends to seek damages against the United States under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

We have waited many years and tried many avenues to close this dump. We believe that our latest actions are a necessary last resort to protect the health of our citizens. We would appreciate this Subcommittee's support of our efforts.

**Olympic National Park**

The National Park Service has proposed the purchase of 240 acres near Umbrella Bay of Lake Ozette to expand the size of the Olympic National Park. The Makah Tribe filed comments on this “proposed minor boundary revision” on March 17.

Our comments focused on the need for the National Park Service to engage in government-to-government consultation with the Makah Tribe regarding this proposed boundary expansion in order to ensure that it does not impair the treaty hunting and gathering rights of the Makah Tribe in this area. Our Tribe reserved the right to hunt and gather on “open and unclaimed lands” in the 1855 Treaty of Neah Bay. The land proposed for this expansion falls within the territory ceded by the Tribe in the Treaty.

The Makah Tribe requests that the required Congressional legislation to implement this boundary expansion include a treaty savings clause to ensure that our Tribe’s existing treaty rights on these lands are preserved. In the meantime, we ask that the Olympic Park Superintendent meet with us to discuss this important treaty rights issue.

Thank you again, Mr. Chairman and Members of the Subcommittee, for this opportunity to speak with you today.

Mr. MORAN. Thank you very much, sir. We appreciate your testimony, Mr. Tyler.

Mr. SIMPSON. Just one question.

Mr. MORAN. Mr. Simpson.

Mr. SIMPSON. You mentioned the jail facility you have. I never realized before until we started having all the testimony, that there are many tribes in the Pacific Northwest in the Puget Sound area, and I suspect a lot of them have the same issue with jail facilities and so forth.

Have you ever looked at regional facilities? Several tribes getting together and building a regional facility to address those needs?

Mr. TYLER. You know, we are at the beginning of the world. You know, we are probably a good hour and 40 minutes to the closest city, the closest reservation to us that would—

Mr. DICKS. They are right at the northwest corner. You have the Pacific Ocean, and the Straits of Juan de Fuca.

Mr. TYLER. Yeah.

Mr. DICKS. Makah is right there at the northwest corner of the lower 48. So they are pretty isolated.

Mr. SIMPSON. Okay.

Mr. DICKS. The Quinalts are a couple of hours south and—

Mr. TYLER. Three hours south.

Mr. DICKS [continuing]. The Elwas are in Port Angeles, which is at least an hour and a half or two.

Mr. TYLER. Yes.

Mr. DICKS. So that is a ways away.

Mr. SIMPSON. But conceptually it is a good idea.

Mr. DICKS. It is a good idea.

Mr. SIMPSON. Yeah.

Mr. GREENE. Congressman, if I can real quick just respond to that a little bit, I am T. J. Greene. I am the Treasurer for the Makah Tribe. I am the former chief of police for the Makah Tribe also.

We did look at regionalization, talked with other tribes on it, and one of the issues with it, with doing a regionalization plan is because of our remote locations, the costs of staffing, transportation, and all those types of overhead costs go up dramatically when you do that, so it creates an extra burden for the tribes in our region when we do those sort of things. And those are not quite addressed through that regionalization planning when we do that.

And if I can real quick also speak in support of something President Keel touched on, on the funding coming down to the officer level. You know, that makes a great difference. When I was the chief of police, I focused hard on training, and we had a serious incident that occurred on our reservation involving a non-member, an assault rifle, and while the FBI and local sheriff were trying to sort out jurisdictional issues, our officers were the ones processing the crime scene, did it from beginning to end, and turned the case over to the FBI. The FBI had no problems at all with that case. They were impressed with the level of training, the level of the skill that was provided by our officers, so that makes a real difference when that sort of thing can happen.

Mr. MORAN. Thanks very much. Appreciate it, Mr. Greene. Thank you.

Mr. DICKS. I need to ask one question. Is your dad Dan Greene?

Mr. GREENE. That is my brother.

Mr. DICKS. Your brother. Wonderful.

Mr. GREENE. Thank you.

Mr. DICKS. We fished a lot together up there.

Mr. MORAN. All right. The next witness will be Sam Penney. He is actually the Chairman of the Nez Perce Tribal Executive Committee from Idaho. So this is going to be Mr. Simpson's fan club, and we just apparently heard from Mr. Dicks' fan club. Well deserved.

Mr. DICKS. Thank you.

Mr. MORAN. Mr. Penney.

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THURSDAY, APRIL 15, 2010.

**NEZ PERCE TRIBAL EXECUTIVE COMMITTEE**

**WITNESS**

**SAM PENNEY**

Mr. PENNEY. Good afternoon, Mr. Chairman, members of the committee, and I would like to congratulate as well Congressman Dicks from the Northwest and Mike Simpson from Idaho's second district.

I have submitted my testimony for the record, and I would just like to say a few things briefly.

As with any government the Nez Perce Tribe provides a wide variety of services, not only to our tribe members, but also to the community at large. The Nez Perce Tribe operates a health clinic with a satellite office and a tribal police force of 16 officers. We have a social service department, a comprehensive natural resource program that does work in forestry, wildlife management, land services, and land management, habitat restoration, air quality, smoke management, water quality and sewer service. We also have one of the largest fisheries department of any tribe in the country. We have a fishery's office in Lapwai, Idaho, Orofino, Idaho, McCall, Idaho, and one office in Joseph, Oregon, and we do a lot of work on the restoration of listed species under the ESA.

I will speak briefly on several related agencies as well, Mr. Chairman. The tribe supports the President's 8.7 increase in spending for the Indian Health Service. As I mentioned, the Nez Perce Tribe operates two clinics. For example, under Nimiipuu Health, we served approximately 3,800 patients in 2009, with a contract health service expenditure of \$4.5 million in 2009, but had an appropriation of only \$3.3 million, which is a huge shortfall. Many times you hear about the deferred services for tribe members, and often we hear here in Washington the term, health rationing, and that is actually what it is. It ends up to health rationing of our tribal members' health.

Let us speak briefly about BIA. The Nez Perce Tribe supports President Obama's budget request regarding increased spending for the BIA with an increased emphasis on law enforcement and trust land management. I think we are all familiar with the Cobell case

and all the related issues regarding records, land titles, surveys, just a number of things that go along with Cobell.

The Nez Perce Tribe also supports increased funding for law enforcement. The Nez Perce Tribe currently, because of the shortfall in our contract, contributed about \$600,000 a year to law enforcement. That currently comes out of our fuels taxes to make up that shortfall.

The tribe also supports increased funding for the law enforcement and public safety in the Protecting Indian Country Initiative. The Nez Perce Reservation covers about 1,200 square miles and covers five counties and has a mixture of tribal and non-tribal residents. Since I testified here last March there have been two incidents where a tribal member was shot fatally. Both of these incidents have created a sense of unease on the reservation. Proper funding for the federal authorities, in conjunction with passage of the Tribal Law and Order Act, is needed.

What was apparent to me, Mr. Chairman, during the two shootings I referred to was the coordination that is needed between the U.S. Attorney General's Office, the FBI, and the Office of Law Enforcement Services under the BIA.

I will speak a little bit about the Snake River Basin Adjudication. In 2004, the Snake River Basin Water Act was enacted. A component of that agreement was a transfer of 11,000 acres of BLM land within the reservation to the Nez Perce Tribe. The lands were supposed to be surveyed as part of the transfer, but funding for those surveys has not been made to this date. The current budget calls for \$695,000 for this year to begin that process. Although this will not cover the full cost of the surveys, it will be a great start to getting that project done.

Also, Mr. Chairman, I will speak briefly about EPA. The tribe was pleased that Administrator Lisa Jackson proposed a \$1.3 billion for state and tribal partnerships when she testified before this committee. In addition to the Air Quality Program, the tribe is currently in facilitation discussions with the State of Idaho that are being funded through grants from EPA. The facilitated discretion involves the tribe adopting water quality standards to improve water quality on the Nez Perce Reservation, and we look forward to continued funding to continue that process.

Under the U.S. Forest Service the tribe also supports increased funding for the U.S. Forest Service in the protection of treaty reserved rights. Under our treaty of 1855, the treaty-reserved hunting, fishing, gathering rights are very important to the Nez Perce people. Our areas are rich in natural resources. We have had a good working relationship with the Forest Service. We have a forest agreement where the forest supervisors come to meet with us to discuss issues of importance to the Nez Perce Tribe.

Also, we have issues with bighorn sheep, and I am just using this as an example of the partnerships we have with the Forest Service and other federal entities over the years. We are currently working on a bighorn sheep restoration in the State of Idaho where scientists believe diseases are transmitted by domestic sheep to wild bighorn sheep. So we are working hard to try to address that concern and also help to reduce the impacts to the domestic sheep industry.

We are also working on a bison issue over in the Yellowstone area. The tribe is looking for a funding solution to help the bison hunt in the Gallatin National Forest near Yellowstone Park. More funding for the work to assist the Forest Service, the Fish and Wildlife Service, and the National Park Service to help meet the hunting rights of the Nez Perce Tribe is needed.

And I will conclude, Mr. Chairman, in my brief statement just to summarize what I stated about the importance of partnerships, you know, with the various federal agencies. I think we found with especially a lot of the ESA work that we have done on fisheries that without the partnerships between the Forest Service, the Nez Perce Tribe, some local entities, Bonneville Power Administration, that it seems at times that, you know, not one entity has enough funds to do, you know, one project, but when we can work in partnership, there are a lot of things that we have been able to do, especially regarding endangered species, listed fish.

So, Mr. Chairman, I thank you for this time.

[The statement of Mr. Penney follows:]



*Nez Perce*

**TRIBAL EXECUTIVE COMMITTEE**

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**UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT  
AND RELATED AGENCIES**

**THURSDAY, APRIL 15, 2010**

**TESTIMONY OF SAMUEL N. PENNEY  
CHAIRMAN, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE**

**PUBLIC WITNESS HEARINGS  
NATIVE AMERICAN ISSUES**

Honorable Chairman and members of the Committee, as Chairman of the Nez Perce Tribal Executive Committee, I would like to thank you for the opportunity to provide testimony on behalf of the Nez Perce Tribe to this Committee as it evaluates and prioritizes the spending needs of the United States on many programs that directly impact the daily affairs of Indian tribes across the country. I would like to extend a special thanks to the new Chairman Jim Moran and Ranking Member Mike Simpson who represents the Second Congressional District in Idaho.

As with any government, the Nez Perce Tribal government does a wide array of work and provides a multitude of services to the tribal membership as well as the community at large. The Nez Perce Tribe has a health clinic with a satellite office, a tribal police force with 16 officers, a social services department, a comprehensive natural resource program that does work in forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and one of the largest fisheries department of any tribe in the nation working on recovery of listed species under the Endangered Species Act. In addition, the tribe has a comprehensive administrative framework a government this large needs to function effectively. The Nez Perce Tribe has long been a proponent of self determination for tribes and believes its primary obligation is to protect the treaty-reserved rights of the Nez Perce Tribe and its members. All of the work of the Tribe is guided by this principle. As a result, the Tribe works extensively with many federal agencies and proper funding for those agencies and their work with, for and through Tribes is of vital importance. I would like to give you a snapshot of some of those needs through specific examples.

#### Indian Health Services

The Nez Perce Tribe was pleased to see President Obama's budget provided for increased spending for Indian Health Services. The request for \$4.41 Billion is an increase of 8.7% over last year's spending and is desperately needed. The Nez Perce Tribe currently operates one health care clinic, Nimiipuu Health, in Lapwai, Idaho on the Nez Perce Reservation. Nimiipuu Health also has a branch facility 65 miles away in Kamiah, Idaho on the Nez Perce Reservation. Nimiipuu Health served approximately 3,800 patients in 2009 with a contract health service expenditure of \$4.5 million dollars in 2009 but an appropriation of only \$3.3 million dollars. This is a huge shortfall. This equates to spending of only \$868 per patient. When funding for services is rationed, patients are put on a deferred services list. Last year when I testified, the list amounted to \$1,293,434.00 in deferred health care cost. Through tribal funding, that amount has been reduced to \$250,000.00. However any shortfall in funding creates a trickle-down effect in patient care whether it be emergency or preventative care and must be avoided if the health system is to work like it should. Also, directing those tribal funds to this area means that the Tribe is forced to move funds away from other areas or services despite the fact that the federal trust obligation to provide the services rests with the United States.

#### Bureau of Indian Affairs

The Nez Perce Tribe supports President Obama's budget request regarding increased spending in the Bureau of Indian Affairs that is focused on the areas in most need in Indian Country in the Empowering Tribal Nations budget blueprint. The attention to areas such as Nation to Nation relationships, law enforcement and reform of trust land management is long overdue. The Tribe supports the increase in contract support funding under this plan. Currently, the Nez Perce Tribe contributes \$600,000 per year to cover the shortfall in contract support funding for the Tribe's law enforcement. Addressing this shortfall in contract support funding should be a priority.

In addition, the Tribe supports the increased spending for law enforcement and public safety in the "Protecting Indian Country" initiative. The increased spending in collaboration with the Department of Justice is vital for Indian Country. The jurisdictional voids that exist within Indian Reservations need to be addressed and the focus on having more FBI agents dedicated to protecting Indian lands is a positive recommendation the Tribe endorses. The Nez Perce Reservation covers 1200 square miles and covers five counties and has a mixture of tribal and non-tribal residents. Given the fact the jurisdiction over certain crimes involving tribal members and non tribal members rests only with the federal government, the lack of adequate numbers of FBI agents and subsequent federal prosecution is not healthy for Indian Country. Since I testified here last March, there have been two incidents where a tribal member was fatally shot. Both of these incidents have created a sense of unease on the Reservation and proper funding for the federal authorities in conjunction with passage of the Tribal Law and Order Act will be a helpful tonic to prevent these kinds of situations from arising again.

The Tribe also requests that this committee support the budget recommendations for improving trust land management. The Nez Perce Tribe entered into an agreement with the United States in 2005 known as the Snake River Basin Water Rights Settlement Act of 2004 (Title X of Division J of P.L.108-447, 118 Stat. 3431, et seq.). A component of the agreement was the transfer of



approximately 11,000 acres of land from the Bureau of Land Management to the Tribe. The lands were supposed to be surveyed as part of the transfer. Funding for those surveys has not been made to this date. The current budget calls for \$695,000 for this year to begin that process. Although that will not cover the full cost of the surveys, it will allow the process to begin and the appropriation request is supported by the Tribe.

#### Environmental Protection Agency

As I stated above, the Nez Perce Tribe performs many different services within the Nez Perce Reservation. The Nez Perce Tribe currently implements, on behalf of the Environmental Protection Agency, the Federal Air Rules for Reservations program (FARR). The program monitors air quality and regulates field burning throughout the Nez Perce Reservation. The Tribe is located in Region 10 of the EPA. The Tribe is currently dependent on several EPA sources for funding for the FARR. Continued funding is needed for Tribes to meet their air quality needs and operate programs under the delegation of the EPA. EPA consistently uses the Nez Perce Tribe's FARR Direct Implementation Tribal Cooperative Agreement (DITCA) program as a model of success but Region 10 is being forced to look for ways that the Nez Perce Tribe can reduce the cost of its FARR DITCA. However, these cost-reduction alternatives usually are accompanied by increased risk of a lawsuit against the Nez Perce Tribe. The Nez Perce Tribe cannot cut its FARR DITCA budget without adversely impacting the Tribe's ability to protect the health and welfare of the 18,000 residents of the Nez Perce Reservation, and in turn adversely impacting the success of the FARR DITCA program. The Nez Perce Tribe currently operates its entire FARR DITCA program for about the same cost per year as the State of Idaho operates solely an agricultural burning program, therefore, EPA gets a much bigger "bang for their buck" with the FARR DITCA program compared to the state program and is a program worthy of investment.

The Tribe was pleased to see that Administrator Lisa Jackson proposed \$1.3 billion for state and tribal partnerships when she testified before this committee. In addition to the air quality program, the Tribe is currently in facilitated discussions with the state of Idaho that are being funded through grants from the EPA. The facilitated discussions involve the Tribe adopting water quality standards to improve the water quality on the Nez Perce Reservations. The Tribe will be looking to the EPA for continued assistance and funding for these efforts if the funding recommendations discussed here are approved by Congress.

#### Forest Service and Fish and Wildlife Service

The Tribe also supports increased funding for the work of the Forest Service in the protection of treaty reserved resources of tribes. The Nez Perce Tribe reservation and its usual and accustomed areas are rich in natural resources and encompass eight different national forests. The Tribe works closely with each forest administration to properly manage its resources on behalf of the Tribe. These range from protecting and properly managing the products of the forest to managing the vast wildlife in each one such as elk, deer, bighorn sheep and wolves. Increased funding is necessary so that the Forest Service can meet these trust obligations and continue to work with tribes such as the Nez Perce on a government to government basis. A primary example of this relationship is the work the Tribe is doing with the Forest Service to

protect Big Horn Sheep from extirpation in regions of Idaho from disease that scientists believe is transmitted by domestic sheep. The Tribe is working very hard on finding funding for restoration efforts to help preserve the native stock. Any funding that will aid these efforts through the Forest Service, the Fish and Wildlife Service or the BIA is needed to not only aid the Big Horn Sheep but also help reduce the impact on domestic sheep grazers.

Similarly, the Tribe is looking for funding for solutions to help with its Bison hunt in the Gallatin National Forest near Yellowstone National Park. For the last 5 years, the Nez Perce Tribe has returned to the Gallatin to exercise its treaty right to harvest bison in that area. The treaty hunt has been successful except for the last two years when no Bison have entered the Gallatin from Yellowstone because of the ship and slaughter programs used by the state of Montana to protect domestic livestock from disease have decimated the herds. More funding for work and research to assist in helping the Forest Service, the Fish and Wildlife Service and the National Park Service meet the treaty hunting rights of the Nez Perce Tribe and the Confederated Tribes of the Salish Kootenai is needed.

As you can see, the Nez Perce Tribe does a variety of work, sometimes instead of and sometimes on behalf of the United States. The Tribe is proud of this work and expects the United States to honor and uphold its obligations to the Nez Perce Tribe through proper funding. I wish to sincerely express my appreciation for the honor and privilege of having been invited to present testimony to the Committee today. Thank you.

Mr. MORAN. Thank you, Mr. Penney. Mr. Simpson.

Mr. SIMPSON. Mr. Chairman, let me just say thanks to Sam for hosting me and my Deputy Chief of Staff last August when we came up and spent a day. He took us all around the reservation, showed us what was going on, and if Norm would have been with us, he would still be at the fish hatchery trying to figure out how to get those salmon. I know that. But, thank you. I enjoyed it very much and learned a lot.

Mr. PENNEY. Thank you.

Mr. COLE. Mr. Chairman, I just have one——

Mr. MORAN. Yes. Mr. Cole.

Mr. COLE. This comes up over and over, but Chairman, you have got extensive experience in all ranges of tribal operations, and you have touched on law enforcement and the challenges that you face there. Thank you very much for the plug for Representative Herseth Sandlin's very good effort to streamline, overhaul, and beef up enforcement. That is an important piece of legislation that needs to move.

I would like to get your opinion. One of the problems I have seen across Indian Country is, again, the relative weakness, honestly, of tribal jurisdiction, the inability to enforce your own laws on non-Native populations and to have anywhere near the range of criminal options. You know, if I went to a small town in Virginia or Washington and committed a crime, I would be subject to the full force of the law in the local jurisdiction. That is not true if you are a non-Indian coming onto Indian Country.

What difference do you think it would make to law enforcement if you had comparable abilities to a local government in terms of both arrests and penalties?

Mr. PENNEY. Well, I think first of all our tribal officers, their first concern is public safety, no matter who the officer is, to try to secure whatever the situation is until the appropriate law enforcement arrives, and just recently the Corlain Tribe in which I testified at the Idaho State Legislature, had some cross deputation agreements with the local counties, and one of the local sheriffs refused to enter into an agreement, the Corlain Tribe proposed HB-500, which would provide a mechanism for them to enter into such an agreement.

But what takes place normally, in the Corlain case in particular, was say if there was a crime committed that they could be detained, but they would have to call for a local sheriff or Idaho State Police or someone else to arrive at the scene, and during that testimony many times they said that they never responded so that the person was just let go. So it does create a void in the safety of, not only tribe members, but all people within the reservation boundary.

Mr. COLE. Yeah. Mr. Chairman, I would just like to echo the point that Mr. Simpson said. I mean, this really is an appropriate topic for a joint hearing between our subcommittee and CSI, not just on the funding and the FBI issue, but the whole problem of, frankly, the relative, you know, what do we do to make sure that the law enforcement that is the first-line responder and the justice system that is there, has the appropriate range of authority to make sure that its citizens and other citizens that come into this

territory are protected. I just think this is an enduring, ongoing problem in Indian Country.

Mr. PENNEY. If I may, Mr. Chairman, just one final statement about law enforcement. I think for many tribes, including our tribe, we believe our officers are well trained. They go to the Federal Academy, many of them go to the State Post Academy, and some in our case go to Advanced Idaho State Police Academy. So, you know, we believe hopefully we can provide the necessary training, but a lot of it is left up to the local sheriff, whether they want to enter into an agreement or not. If they do not, then there is no mechanism to do that.

Mr. MORAN. Well, you have some language for the report you may want to suggest to Mr. Cole in that area. There seems to be some agreement on that issue, and thank you very much, Mr. Penney.

Mr. PENNEY. Thank you.

Mr. MORAN. Dr. Roger Bordeaux is the Executive Director of the Association of Community Tribal Schools in California.

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THURSDAY, APRIL 15, 2010.

## **ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS**

### **WITNESS**

#### **DR. ROGER BORDEAUX**

Mr. BORDEAUX. Mr. Chairman, members of the committee, thank you for allowing me a few minutes to talk to you about the appropriations of Interior, and I specifically want to talk about the inequities that exist in the Bureau of Indian Education in regards to the distribution of their appropriations.

Over the last five or six years their education management budget has increased by 288 percent from \$8 million to \$25 million, and that did not even include an additional \$10 million that they get from the Department of Education and then over that same time period they have been increasing their Program Adjustment Funds and what they call Program Enhancement Funds, which are small pockets of money here and there that they use to dictate to schools what kind of programs they are to have and how much they are to have. So collectively, they have increased their total amount by well over 250 percent, from close to \$10 or \$15 million, five or six years ago to over \$55 million right now.

The inequity exists when you go and look at the five programs that are funded by the schools that actually get down to the school level, in the school, in the classrooms. The Indian School Equalization Program, the Facilities Management money, the Facilities Operations money, the Transportation money, and the Tribal Grant Cost Support funds. All of those have either had zero increases over the last five or six years or small increases, and I put charts in all of the testimony to identify all of that, and it is real glaring to us that it is almost like the Bureau of Indian Education is making a conscious effort to manage from 1,000 or 2,000 miles away all of the schools that they fund, even though they are tribally operated.

So what we are asking is that you take a look at that and possibly use some of that funding to decrease those amounts for management and get that money down to the schools where it is necessary. The Bureau has a process for all five of those programs that I talked about, either through a formula that is required by legislation or required by regulations to develop a formula that says this is the need in each one of those cases. There is a formula for the Indian School Equalization Program need, the Facilities Maintenance and Facilities Operation monies are both driven by a formula, and those programs are both constrained right now anywhere from 56 percent up to 98 percent or something like that. The transportation costs also can be done through a formula system, and the contract support costs also can identify the need.

So they know what the need is. I mean, the total need right now, if they fully funded, is about an additional \$171 million for all of the programs. But we realize it is kind of unrealistic to ask for \$171 million in this time period, but I think we could come up with \$20 to \$40 million that was already within the budgets to transfer from Education Program Management, and a lot of these other things, and into the school systems.

We have some recommendations on the last page of our appropriations of what we think should happen. The last thing I think that we would also like to talk about is in the appropriation language since 1995, there is some language that restricts existing schools from having program changes or expanding their school system. So if they have a K to 8 program and they want to go to high school, they cannot do it at existing schools, and then there is also more or less a moratorium on new school starts. So if another tribal government wanted to try to get a contract school started or grant school started, they could not do that because of the restriction that has existed in the appropriation language since 1985.

We have been talking to a number of people that have an interest in possibly running their own school system at the tribal level but because of that language they cannot do it. So we ask you to consider lifting it and possibly putting a process in to help new schools start and program expansions, but still not attacking the current dollar pie that we have for the 185 schools that are funded right now.

So in a nutshell, that is what is in the testimony, and we would also be more than willing to provide additional information if you need it to show you what our concerns are. Thank you for your time.

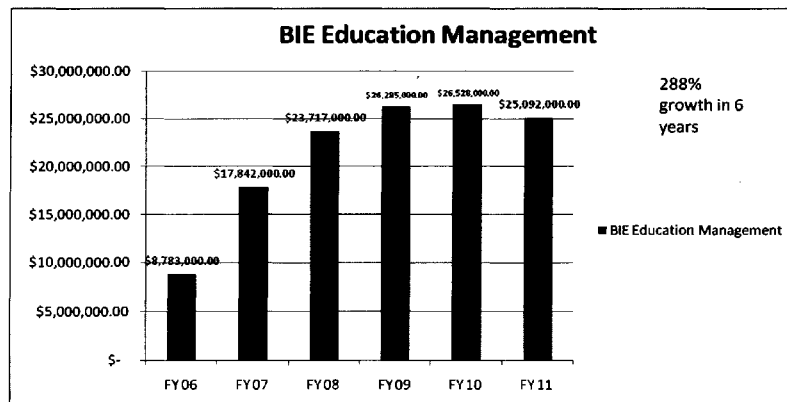
[The statement of Mr. Bordeaux follows:]

**Association of Community Tribal Schools  
Dr. Roger Bordeaux  
April 15, 2010**

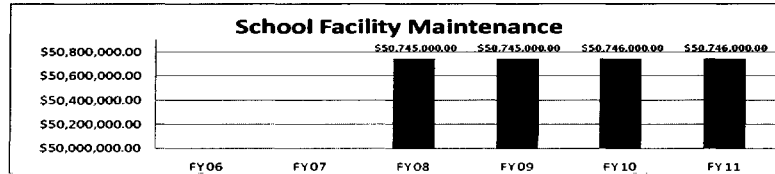
My name is Dr. Roger Bordeaux; I serve as the superintendent of the United Auburn Indian Community School in Auburn, California and the Executive Director of the Association of Community Tribal Schools Inc. (ACTS). I have been a Superintendent for 20 years and the Executive Director for 23 years.

The tribal school movement started in 1966 with Rough Rock Demonstration School. Now there are over 28,000 students in tribal elementary and secondary schools. The schools are in the states of **Maine, Florida, North Carolina, Mississippi, Louisiana, South Dakota, Minnesota, North Dakota, Michigan, Iowa, Wisconsin, Kansas, Wyoming, Oklahoma, Montana, California, Washington, Idaho, Nevada, Arizona, and New Mexico.** ACTS represents a significant number of the over 124 tribally controlled elementary and secondary schools. The BIE funded schools have over 46,000 tribal children enrolled in k-12 programs and 9,000 enrolled in pre-school programs (FACE). ACTS's mission is to "assist community tribal schools toward their mission of ensuring that when students complete their schools they are prepared for lifelong learning and that these students will strengthen and perpetuate traditional tribal societies."

**There is no equity in the appropriations over the last six years. BIE Education Management has grown by over 280% while the appropriations for all school based programs have stayed relatively stagnant. The following charts illustrate the inequity:**



This chart does not include an additional \$ 10,000,000 or 5%, the BIE uses for Education Program Management from Department of Education NCLB program funds.

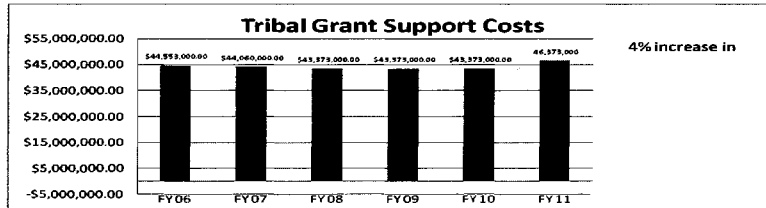


BIE-Elementary/Secondary Programs-Facility Maintenance

FY 2011 Request \$ 50,746,000

Additional Need \$ 3,254,000 (O&M Needs/Distribution Detail by Location - FY 2010, 6% constrained)

New FY 11 Request \$ 54,000,000

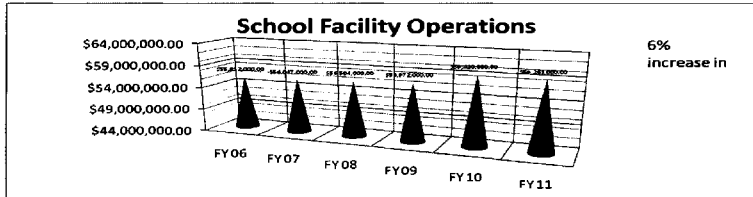


BIE-Elementary/Secondary Programs-Tribal Grant Support Costs

FY 2011 Request \$ 46,373,000

Additional Need \$ 18,627,000 (Based on Fund Distribution Documents, 40% constrained)

New FY 11 Request \$ 65,000,000

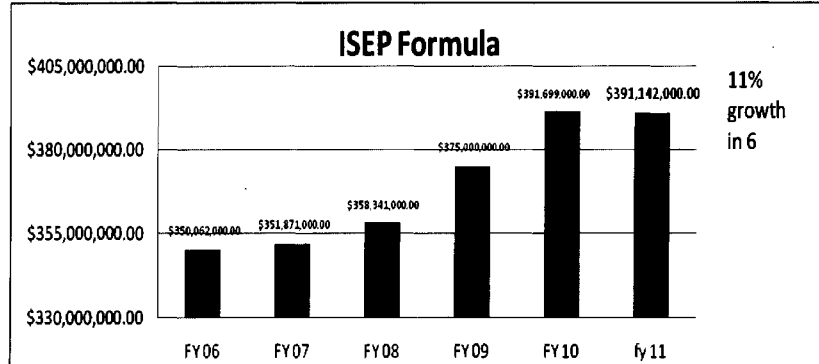


BIE-Elementary/Secondary Programs-Facility Operations

FY 2011 Request \$ 59,263,000

Additional Need \$ 30,737,000 (O&M Needs/Distribution Detail by Location - FY 2010, 52% constrained)

New FY 11 Request \$ 90,000,000

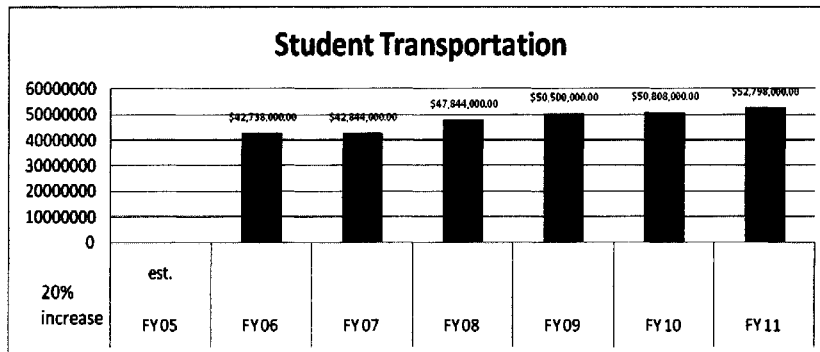


BIE-Elementary/Secondary Programs-ISEP Formula Funds

FY 2011 Request      \$ 391,142,000

Additional Need      \$ 112,858,000 (Based on 25 CFR Part 39, subpart H, 29% constrained)

New FY 11 Request    \$504,000,000



BIE-Elementary/Secondary Programs-Student Transportation

FY 2011 Request      \$ 52,798,000

Additional Need      \$ 6,212,000 (Based on national school transportation costs, 15% constrained)

New FY 11 Request    \$ 59,000,000

Requested Action



## 1. Decrease (these funds are currently used to control the schools and hamper progress):

BIE-Elementary/Secondary Programs-ISEP Program Adjustments	\$ 7,238,000
BIE-Elementary/Secondary Programs-Education Program Enhancements	\$ 12,067,000
BIE-Elementary/Secondary Programs-Education Management	<u>\$ 10,000,000</u>
Total	\$ 29,305,000

## 2. Increase:

BIE-Elementary/Secondary Programs-Facility Maintenance	\$ 3,254,000
BIE-Elementary/Secondary Programs-Tribal Grant Support Costs	\$ 18,627,000
BIE-Elementary/Secondary Programs-Facility Operations	\$ 30,737,000
BIE-Elementary/Secondary Programs-ISEP Formula Funds	\$ 112,858,000
BIE-Elementary/Secondary Programs-Student Transportation	<u>\$ 6,212,000</u>
Sub-Total additional need for nearly 43,000 children	\$ 171,688,000
Less requested decrease	<u>\$ 29,305,000</u>
Total requested increase for FY 11	\$ 142,383,000

## 3. Eliminate the following Administrative Provisions language to allow current schools to expand grade level offerings and allow tribes to apply to operate a Grant School:

- "Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995."

## 4. Change language, with insert, to allow additional appropriations for Tribal Grant Support Costs:

*"Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed [\$43,373,000]\$46,373,000 \$ 65,000,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year [2009]2010 for the operation of Bureau-funded schools, and up to [\$500,000]\$500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, [2009]2010, of Bureau-funded schools"*

Mr. MORAN. Very good, Dr. Bordeaux. Thank you.

Mr. Cole.

Mr. COLE. I think you make a really important point, because this committee has actually done, I think, a very good job, certainly in the last couple of years, to put additional money where it is needed. I do not know that we track it as well as we would like to but sort of push it through the bureaucracy down to local levels. It is exactly the same problem Mr. Simpson was pointing out with law enforcement. There are significant increases, but are they really going to where the rubber meets the road, and this is a perfect example.

I particularly appreciate your emphasis on local management of the schools. You know, it is pretty tough if somebody making the decisions is 2,000 miles away. It is a lot different if people making the decisions are right where parents are at and where students are at. They not only know more, frankly, they are subject to more scrutiny and at least. As one parent put it to me, I would just like to be able to get my hands around the neck of the person that is making this decision. They are too far away right now, and I think that is a good thing. Local management meets local responsibility, so I hope, Mr. Chairman, we really look seriously at this as a way of pushing some of this money down to very hard-pressed schools and students. I think it would be very well used.

Mr. BORDEAUX. We will do whatever we can to help you guys with the information you need. Thank you.

Mr. MORAN. Thanks, Dr. Bordeaux. Thank you very much.

Marvin Yellowhair is the president of the Black Mesa Community School Board on the Navajo Reservation in Arizona.

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THURSDAY, APRIL 15, 2010.

**BLACK MESA COMMUNITY SCHOOL BOARD (NAVAJO  
RESERVATION)**

**WITNESS**

**MARVIN YELLOWHAIR**

Mr. YELLOWHAIR. Good afternoon, Mr. Chairman and members of the subcommittee. My name is Marvin Yellowhair. I am a School Board President of Black Mesa Community School, a K through 8 school located on 6,700 feet elevation. One of the most remote parts of the Navajo Reservation in Arizona. I also teach Navajo history and Navajo language at Rough Rock High School. I just want to tell you about the challenges of operating a very small school in an isolated area.

As a small school we are not able to generate much funding from the Bureau of Indian Affairs, from the Base Education Program, and we ask for your help in increasing funding for several BIA schools.

I will start with school transportation. Isolation with high transportation costs. That is certainly true of Black Mesa Community School. Neither of the two roads leading into Black Mesa are paved. To get on or off the mesa, we must travel 16 miles of direct road to Rough Rock and also to Pinon; it is a 26-mile trip. From

either location it is yet another hour's drive to our closest town in Chinle. During periods of snow or heavy rain, both dirt roads in our community are impassible. Many of our school children routinely travel four hours per day when the roads are in good condition and up to eight hours in bad conditions.

Here are pictures if you are interested, pictures of the road condition there in the last two winters. Many of our school children routinely travel four hours a day to school. I wish you could see our roads in February when the snow is melting.

A few consequences of impassible roads are at one time this past winter we had to cancel school for 20 days and after our freezer broke down we lost a whole month's food for the school cafeteria. Another consequence is the high cost for delivery of foods and services due to length of time for our vendors, service providers, and others who reach our school. Due to the frequent breakdowns of the General Service Administration buses, GSA refuses to give us new buses, so they usually give us used buses that might break down easily.

So, therefore, we had to purchase our own service truck and a back hoe. Every time we had to pull out a bus due to muddy conditions we use this equipment. We also purchased our own buses, some decent buses, which were approximately \$80,000 a piece.

So we recommend \$70 million for a transportation account in order to meet more closely national school transportation standards for all BIE schools.

TGSC, Tribal Grant Support Costs, laws require that tribally-operated schools receive at least \$200,000 each year for its administrative and direct costs. Black Mesa should qualify for the small school minimum, but we routinely receive less than that because Congress never supplies a full account required by the law. Last year we received only \$172,800 in Travel Grant Support Cost funding. Overall, BIE paid TGSC at only 61 percent of the amount the law requires.

Even though ours is a small school, we must perform all of the fundamental administrative tasks required of a school board. Because we cannot afford to employ business and human resource managers, all these functions must be performed by an office technician and the school principal who is also responsible for directing the education program and supervision of the teaching staff. In other words, we have one person essentially performing three jobs, and a large portion of our TGSC funds must be reserved for audit, which costs \$40,000, and that is close to a fourth of what we receive.

The Administration proposal of \$46 million would fund only 60 percent of needs. We ask Congress to appropriate at least \$70 million for the Tribal Grant Support Cost Account.

Our facilities operation also falls short of the amount we need to maintain our buildings and communications systems. Even though the BIE has a formula for calculating facility operation funding needs, we and other BIE schools routinely receive less than one-half of the amount the formula produces. When our equipment malfunctions, it often means several days or several weeks for a technician or a repair person to come to our school to provide the services.

We recommend \$109 million for facilities operation to fully fund the formula for all BIE schools.

As far as education program, ISEF, budget, for the current school year we received \$338,300 under the ISEF formula for our education program. These funds must support teaching personnel to staff seven classrooms and a special education program, and the low salaries we offer makes recruitment and retention of certified personnel very difficult, and we have a high turnover of our teachers due to the isolation.

We recommend \$431 million for the ISEF account for all BIE schools. All of us connected with Black Mesa School work very hard each day to keep our school operating, and if we fail in this mission the children of our community being in an isolated area would not have access to education. The United States made a commitment to the Indian children enrolled in 183 BIE schools, including the Indian children at Black Mesa. We need to fulfill this commitment by providing us with the resources we need to make their path toward equality education easier to navigate.

And by the way, being in an isolated school, our school made AYP this year, and would not use external excuses to not make AYP, but we made AYP. And thank you for believing in us and believing in our Navajo children.

If you have any questions.

[The statement of Mr. Yellowhair follows:]



**Black Mesa Community School**  
P.O. Box #97  
Pinon, Arizona 86510  
Phone # 928-674-3632  
Developing Self-Confidence for Lifelong Success

*Board President: Marvin Yellowhair Vice-President: Irene Begaye Secretary: Jerry Begay Member: Harrison Hanie*

**Testimony of Marvin Yellowhair, School Board President  
BLACK MESA COMMUNITY SCHOOL (BMCS)  
Navajo Nation, Pinon, Arizona**

**Regarding**

**Bureau of Indian Education Fiscal Year 2011 Budget  
House Interior, Environment and Related Agencies Subcommittee**

**April 15, 2010**

**BUREAU OF INDIAN EDUCATION PROGRAMS:**

- Tribal Grant Support Costs
- Student Transportation
- Indian School Equalization Formula (ISEF)
- Facilities Operations

My name is Marvin Yellowhair. I am School Board President of the Black Mesa Community School, a K-8 school located on a 6,700-foot high mesa in an extremely remote portion of the Navajo Reservation in Arizona. I want to tell you about the challenges of operating a very small school in an extremely isolated area and ask for your help.

Costs of isolation. Neither of the two roads leading onto Black Mesa is paved. To get on or off the mesa, we must travel 16 miles of dirt road north to Rough Rock, or 26 miles south to Pinon. From either location, it is yet another hour's drive to our closest town – Chinle. During periods of snow or heavy rain, both dirt roads to our community are impassible or, if we are lucky, we can make the journey in six or seven hours.

This extreme isolation requires us to be as self-sufficient as possible, as we can't depend on vendors, service-providers, repair people and other outsiders being able to get to our school. Even when they can get to us, the time they must spend in travel makes their goods and services very expensive. When we have to send staff out to pick up supplies or go to the bank, a round-trip can take a full day or more. Last year, when our large freezer broke down, impassable roads made it impossible for the repairman to get to us. As a result, we lost a whole month's worth of food for the school cafeteria.

Let me give you an idea of some measures we have had to institute due to our remote location. Our **Student Transportation** program is a vital part of our operations because so many of our children live far away from the school campus. Bus break-downs were so frequent that we had to purchase our own service truck and a back-hoe to dig out buses that get stuck in

the mud. We have also had to buy our own school buses (at a cost of approximately \$80,000 each) in an effort to reduce bus malfunctions. The General Services Administration refuses to lease new buses to us because our roads are so bad, but the used buses they supplied broke down too often. It cost us enormous sums to tow a bus to the GSA for repairs, deprived students of educational days, and put our children at risk. Thus, the School Board determined that the only course was to use our scarce transportation dollars to buy our own buses. This means we also have high insurance bills for the buses we own.

Because our children live so far from the school and our roads are so bad, a *one-way* bus ride takes at least two hours – in good weather with no bus break-down – and up to four hours in bad weather. Can you imagine elementary-age children spending four to eight hours per day on a school bus? They arrive at school too tired to learn. We wish we could operate more bus routes to make the journeys shorter but we don't get enough student transportation funding to allow for this. As it is, our student transportation budget was exceeded last year, and we had to make up this shortage by taking funds from our education program.

Costs of operating a small school. As you know, most of the funding we receive from the BIE is based on the number of students we enroll. Our community is very sparsely-populated so our student enrollment is small – it varies from 40 to 60 students. The consequence of being such a small school is that we do not attract much funding from the Indian School Equalization Formula (ISEF) for our education program, nor do we generate much funding under the formula for calculating Tribal Grant Support Costs.

The **Tribal Grant Support Costs** law requires that each tribally-operated school receive *at least* \$200,000 each year for its administrative and indirect costs, and Black Mesa should qualify for this small school minimum. But we routinely receive less than that amount because Congress never supplies the full amount required by the law for these costs. This year, we received only \$172,800 in Tribal Grant Support Costs funding. Overall, BIE paid TGSC at only 61% of the amount the law requires.<sup>1</sup>

Even though ours is a small school, we nonetheless must perform all of the fundamental administrative tasks required of a School Board – including executive direction; curriculum development; financial, personnel, property and procurement management; recordkeeping; auditing; and maintaining prudent internal controls. But our Tribal Grant Support Costs funding is so low that we can't afford to employ a Business Manager to keep track of our grant funds and capital assets, reconcile bank statements, arrange for audits and perform other vital financial management services. Nor can we afford to employ a Human Resources manager. All of these functions, therefore, must be performed by one business office technician and the School Principal – who is also responsible for directing the education program and supervision of the teaching staff. In other words, we have one person essentially performing three jobs. A large portion of our TGSC funds must be reserved to pay for our audit which costs \$40,000 each year.

Our **Facilities Operations** budget also falls far short of the amount we need to pay our utilities, clean our school buildings, and maintain our internet, telephone and telecommunications

<sup>1</sup> The formula for calculating Tribal Grant Support Costs (previously called "Administrative Cost Grants") is set out at 25 USC §2008.

systems. Even though the BIE has a formula for calculating Facilities Operations funding needs, we receive less than one-half of the amount the formula produces. When our equipment malfunctions, we often have to wait days or even weeks for a technician to travel to the school to make repairs – and these service calls to our remote location are very expensive.

**Education Program (ISEF) budget.** For the current school year, we received \$338,300 under the ISEF formula for our education program. These funds must support teaching personnel to staff seven classrooms and special education. The low salaries we offer makes recruitment and retention of certified personnel very difficult.

Conclusions. The Federal Government made a commitment to the Indian children who attend BIE-funded schools, but that commitment is not being met. How can our children be expected to reach achievement targets when they must spend many hours getting to/from school, have school cancelled because of bad roads, and then find when they do get to school the funds for their education program has to subsidize inadequate funding for administrative costs and facilities operation expenses?

All of us connected with the Black Mesa School work hard every day to keep our school in operation because we know that if we fail in this mission, most of the children in our community would not have access to an education. The United States made a commitment to the Indian children enrolled in the 183 BIE schools, including the Indian children at Black Mesa. We need you to fulfill that commitment by providing us with the resources we need to make their path toward a quality education easier to navigate. I promise you that if you provide the resources, all of us in the Black Mesa Community will re-double our efforts to provide our children with a challenging and satisfying educational experience.

Thank you for believing in us and in our Navajo children.

Mr. MORAN. Well, I mean, it is astounding you are spending \$8,000 per year per student just on transportation. There must be a better way, whether it is, you know, computers at home or linkups. With that kind of money you could afford a screen in the home with a computer linkup so you could have videoconferencing for the school. But I do not know enough about it to really be able to ask appropriate questions, but it seems an enormous undertaking to be transporting children for four hours a day at the cost of \$8,000 per student just for transportation.

Okay. Any questions? Okay.

Mr. SIMPSON. That would be rural America, but Mr. Cole and I will come and visit your school at 6,700 feet if you will provide the oxygen. That is a little high.

Mr. YELLOWHAIR. I have seen people coming from Oklahoma and gasping for air up there in that elevation.

Mr. SIMPSON. I bet.

Mr. MORAN. All right. Thanks very much, Mr. Yellowhair.

Mr. YELLOWHAIR. Okay. Thank you very much.

Mr. MORAN. Thank you. Next up will be Nathan Small, who is the Vice-Chair of the Shoshone-Bannock Tribes of the Fort Hall Reservation in Idaho.

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THURSDAY, APRIL 15, 2010.

**SHOSHONE-BANNOCK TRIBES OF THE FORT HALL  
RESERVATION**

**WITNESS**

**NATHAN SMALL**

Mr. SMALL. Good afternoon, everybody, and thank you for the honor of being here today. Our Chairman is unavailable to make it for today's hearing or for today's testimony, so I am here today, and our testimony is going to focus on three priorities: public safety, road maintenance, and Indian Health Service needs.

First, I would like to thank our Ranking Member Simpson for his tremendous support for our new Justice Center. We have endured the long struggles to provide adequate law enforcement, and we greatly appreciate his efforts to help us open up the new facility.

Mr. Simpson has had the opportunity to come to our reservation. He just lives next door. He finally came in, and he had a chance to look at our facility that we have that we are currently in right now, and his words were that it was deplorable conditions, and these need to be changed. So with his help we have made those changes.

But in order to make a lot of those changes, the Shoshone-Bannock Tribes had to do something that the Bureau of Indian Affairs and, I guess, you the Congressional people, did not do for our tribe for about 20 to 30 years and that was to build us something that was adequate. We were not asking for something that was extravagant but adequate.

Currently our courthouse that we have that is housing our court personnel is from a building that was built in 1895. Our police and jails were condemned 20 years ago and we are still using it up to



this year. We were unable to house juveniles because we lacked a juvenile detention facility.

Due to the lack of resources to provide deterrents and lack of public safety, many of our people over the past few generations have turned to gangs, drugs, crime, alcohol, all of the social ills that can affect the community in the worst way.

Further, many of our tribal members have dropped out of school and have no vocational skills for jobs. They typically turn to a life of crime, without programs in place to help them.

With our new justice center we are hoping to turn things around. Our tribe finally was able to secure a loan, even in these tough economic times, to build our own justice center. We are about ready to move into that new justice center, and, again, Mr. Simpson was there for our opening. It was not a grand opening, but it was more of an open house for our people to come and look at it, and it was the most beautiful thing that I have ever seen as far as court systems go, as far as a detention facility goes. They are state of the art.

However, I have heard of other places that have opened up new jail systems, new detention centers, only to see them unused because of lack of funding. I hope that this would not include our tribe. Through grants and our own funds we were able to kind of complete this justice center this year. It will house our police department and our prosecutors, our courts, our adult and juvenile detention centers. Our staff are moving into the center as we speak today.

We hope that the new facility can serve as a regional detention center for adults and juveniles. We built the center with sufficient bed space for this purpose, and we have already received support from nearby tribes to house their detainees. We ask for your continued support for use of our facility as a regional detention center as I heard a little earlier that that could be an idea in helping. We are at that phase real soon here.

We have entered into contracts with the BIA to carry out programs in the new facilities. While we have received increased funding, it is still only a portion of the cost, forcing us to pay for many of those costs ourselves. Corrections, especially for juveniles, require a comprehensive approach. We do not want to simply lock up our juveniles but to educate them, provide treatment, rehabilitation, and help them become productive citizens. Our new facility has classrooms, treatment rooms, however, the BIA seems to lack funding for these programs.

We urge the Appropriations Subcommittee to work together to force agencies to pool resources to address the health, educational treatment, and justice needs of tribal detention facilities in a comprehensive way. Right now the agencies are doing their own thing and do not affect the way we assist tribes when they can all pull their resources together to help.

[The statement of Mr. Small follows:]

**Testimony of Nathan Small, Vice Chair  
Shoshone-Bannock Tribes of the Fort Hall Reservation  
April 15, 2010  
Before the House of Representatives  
Committee on Appropriations,  
Subcommittee on Interior & Environment**

Thank you for the opportunity to testify today on behalf of the Shoshone-Bannock Tribes of the Fort Hall Reservation. My name is Nathan Small, and I serve as the Vice Chairman of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes. Chairman Alonzo Coby could not be here in Washington, D.C. today, and I am honored to testify before this Subcommittee in his place.

I would like to focus my testimony on three key areas: Tribal justice programs, Indian Reservation Road maintenance, and Indian Health Service funding needs.

**Tribal Justice Programs**

First, I would like to thank the Subcommittee, including our own Congressman Simpson, the Ranking Member, for supporting substantial increases over the last two years for law enforcement and corrections in Indian Country. These key public safety programs have been severely underfunded for many years. As a result, police departments and detention centers in Indian Country are understaffed by as much as 50% or more. Increased funding is crucial to make our reservations safe. These programs continue to need additional increased support from Congress.

The Fort Hall Reservation faces many of the public safety challenges common to Indian Country. Many on-Reservation misdemeanor and felony crimes go unprosecuted because of the lack of federal resources. Convicted offenders – adult and juvenile – often have no effective sentence due to inadequate detention bed space at Tribal and nearby State facilities. The State of Idaho has neglected its responsibilities for juvenile delinquency matters under its concurrent Public Law 280 jurisdiction, leaving the needs of troubled youth on our Reservation unaddressed for far too long.

The buildings used to house our police station, jail, and courts were extremely old, nearly uninhabitable, rife with building code violations, and grossly insufficient for our public safety needs. The tiny Tribal courthouse was built in 1895. Our police and jail building was condemned 20 years ago, but was still in use until this year. We were simply unable to house juvenile offenders due to the lack of a proper detention facility. Congress and many past Administrations failed to address our dire need for decades, claiming that Idaho, as a Public Law 280 state, was solely responsible, even though Idaho actually has only concurrent jurisdiction, not sole jurisdiction.

Therefore, starting 20 years ago, we took the initiative ourselves to create a facility that would allow for real public safety and justice services at Fort Hall. Through

grants, a \$14.4 million loan, and the Tribes' own funds, we have just completed the construction of a state-of-the-art Tribal Justice Center this year.

In February 2010, the Shoshone-Bannock Tribes were proud to hold a grand opening for our new Tribal Justice Center. This comprehensive building is the new home of our police, our prosecutors, our courts, and our separate adult and juvenile detention centers – with all the modern amenities these institutions need. Staff are moving into the Tribal Justice Center as we speak, including our dispatchers just last week.

Our new Tribal Justice Center can serve as a leading model for a regional detention center for adults and juveniles. We built the Center with sufficient bed space for this purpose, and we have already received support from nearby tribes – including the Goshute and Blackfeet Tribes – to house detainees from other reservations. The Congressional conference report on the Fiscal Year 2010 budget singled out our Tribal Justice Center as a regional center that should be supported and encouraged by the administration. Now that our Center is fully constructed, we ask for your continued support for the Tribal Justice Center as a regional detention facility.

We have entered into new self-determination contracts to carry out the law enforcement, adult corrections, and juvenile corrections programs in our new Tribal Justice Center. While we have received increased funding for these programs in Fiscal Year 2010, it is still only a portion of the actual costs, and still less than the true need. Even with our recent funding increases, the Shoshone-Bannock Tribes will continue to subsidize these costs with hundreds of thousands of dollars annually from our own Tribal sources. To make our new Tribal Justice Center and its programs truly effective in improving public safety and the administration of justice at Fort Hall, we still need more help. Continued increases in BIA justice program funding – and facilities funding – are desperately needed.

Corrections, especially juvenile corrections, require a comprehensive approach. We do not want to simply lock up our juvenile offenders, but to educate them, provide treatment for their health and mental health issues, rehabilitate them, and help them to be productive members of our communities. Our new Tribal Justice Center corrections facility incorporates space for treatment and education components. However, the Bureau of Indian Affairs (BIA) lacks the funding to provide the necessary education and treatment components for juveniles.

In addition, there are bureaucratic roadblocks that prevent us from using our BIA detention program funding to pay for nursing personnel in our detention facility – because that is normally a cost of the Indian Health Service (IHS). Congress should increase funding and remove these unnecessary barriers. We should be able to budget a sufficient amount of funds for detention center nursing through our adult and juvenile corrections contract with BIA. If there are reimbursement required at the agency level, that should be worked out between BIA and IHS, without limiting the Tribes' ability to provide for sufficient health care and treatment for our detainees. In addition, the House and Senate appropriations subcommittees should also work together to address these

issues in a comprehensive way – including the health, education, treatment, and justice components.

Finally, while funding for law enforcement and corrections has increased substantially over the last two years, funding for the Tribal courts program has not. Tribal courts operations have struggled with chronic, long-term underfunding. We operate the Tribal courts under a self-determination contract with the BIA, but like all other tribes, the Shoshone-Bannock Tribes receive only a tiny fraction of the actual Tribal courts budget from the federal government. We subsidize almost 90% of the Tribal court budget. For comprehensive justice in Indian Country, we need law enforcement, detention facilities, and courts to all work together at a minimum level of funding and operations. We ask that Congress increase appropriations for Tribal courts programs.

#### **BIA Road Maintenance Program**

I also want to discuss the dangerously underfunded BIA Road Maintenance Program. In Fiscal Year 2010, the BIA Road Maintenance program received less than \$26 million to maintain a BIA road inventory which now exceeds 100,000 miles. As far back as 2003, the BIA estimated that at least \$120 million per year was needed to maintain the BIA road system. Since then, the BIA road system has vastly increased in size and inflation has significantly eroded the value of these funds. Yet annual BIA Road Maintenance funding has remained flat or even declined over the last decade. In 2007, then-BIA Director Jerry Gidner testified to the Senate Indian Affairs Committee that it is “impossible to maintain the roads at safe levels with the tools we currently have.”

This is a remarkable admission, and it is borne out by statistics. The fatality rate on reservation roads is four times the national average and pedestrian deaths in Indian Country are by far the highest in the nation. At Fort Hall, far too many young people are lost through poor road conditions, in addition to the lack of juvenile treatment services I described above. More than two-thirds of reservation roads remain unpaved, and more than a quarter of BIA-system bridges are rated in unsafe and deficient condition. Our Tribe is proud of the progress that we have made in recent years to improve our reservation road system after taking over the Indian Reservation Road Program from the BIA. For example, we recently completed the reconstruction of Agency Road in front of our new Tribal Justice Center, which for the very first time includes street lights and sidewalk improvements. Like our Justice Center, this important road project will lead to a safer and healthier community.

Not only does the current road maintenance funding level create a terrible safety risk in Tribal communities, it also makes no economic sense for the American taxpayer. All experts agree that it is far cheaper to maintain a road system in good condition than it is to complete a reconstruction project after a road has fallen into disrepair. However, even as we have made these improvements with our road construction program, our progress is threatened because BIA funding for road maintenance is so low that newly constructed roads lose more than half their useful design life. It makes no economic sense to spend millions to reconstruct a road when it could have been maintained for

pennies on the dollar. We therefore endorse the position of the National Congress of American Indians for a funding increase to at least \$150 million a year for the BIA Road Maintenance Program.

### **Indian Health Service**

Finally, I would like to discuss the underfunding of health services. Health care funding in Indian Country is far too low, depriving our members of a long and healthy life. At Fort Hall, we have a very high rate of respiratory problems due to phosphate production and the agricultural industry. We also have a high rate of diabetes, which particularly affects our Tribal elders. However, our IHS clinic is simply overwhelmed. Since the closure of the Salt Lake City IHS facility, our clinic draws patients from a 200-mile radius. It is essentially a regional IHS clinic. Seventy-five percent of these patients not even Shoshone-Bannock Tribal members. We ask for your continued support for additional appropriations for IHS hospitals and clinics. We agree with the NCAI request for an additional \$500 million in program increase for these facilities. In particular, we support additional appropriations for health prevention and education, which could help alleviate the high rate of diabetes and chronic respiratory conditions at Fort Hall.

However, increased support for our own clinic will not be sufficient. We also urge Congress to substantially increase contract health services appropriations – so that we may comprehensively address health care needs of our members. According to the Senate Committee on Indian Affairs' "Views and Estimates" letter on the Fiscal Year 2010 budget, the need for contract health services for Native Americans exceeded \$1.0 billion in 2010 – but the President's Fiscal Year 2011 budget proposes an increase only to \$864 million, leaving a shortfall of at least 15% of need.

IHS practitioners frequently need to refer our Tribal members to other health care providers for time-sensitive care issues that cannot be handled on-site because of the overwhelming IHS workload. Referrals are also made for tests, specialists, or treatments that are just not available at our IHS facility. IHS referrals to other health care providers are often due to particularly serious medical issues and conditions – such as life-threatening injuries, chronic diseases, or acute infections – and this is why contract health funding is so crucial to the health and well-being of our Tribal members. When funding is so limited, it runs out before the end of the Fiscal Year. Thus, if our members have an emergency at the wrong time, there is no guarantee of reimbursement, leaving them vulnerable to debt collection. In addition, local providers are often not interested in treating Tribal members because it can take over a year for the providers to actually be paid from contract health funds. For these reasons, we support the position of the National Congress of American Indians that contract health funding be increased by a full \$500 million for Fiscal Year 2011.

Thank you for the opportunity to testify today on behalf of the Shoshone-Bannock Tribes.

Mr. MORAN. Thank you, sir. Thank you, Mr. Small.

Mr. SMALL. Yeah.

Mr. MORAN. Any questions?

Mr. SIMPSON. Not any questions. I just want to thank you, Nathan, for being here today to give your testimony and give me part of the credit for the justice center, but it was the tribe who did this. I was just fortunate enough to be there when they opened, and I will tell you that if anybody wants to see a modern facility that really incorporates the police department, the court system, and the detention facilities together, this is really a model, and we said in our report language last year, that we hope this can serve as a model for other regional sort of detention facilities.

One of the things and Nathan mentioned it, is these guys went out on their own and got a loan to do this, to build this. The concern that they have and continue to have is, you know, now that it is built, there is operating costs that are involved, and we have got a memorandum of understanding with the Department to help that for at least the first year I guess.

Mr. SMALL. Correct.

Mr. MORAN. Well, that is the way it should be done. Thank you very much, Mr. Small.

Mr. SMALL. All right. Thank you. I am sorry I am not a fast speaker, but I did have some stuff on road maintenance and healthcare but—

Mr. MORAN. Your entire statement will be put into the record.

Mr. SMALL. All right. Thank you.

Mr. MORAN. Very good. Thank you, sir.

Next we will hear from Nancy Martine-Alonzo, Trustee President of the Ramah Navajo School Board in New Mexico.

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THURSDAY, APRIL 15, 2010.

**RAMAH NAVAJO SCHOOL BOARD, INC.**

**WITNESS**

**NANCY MARTINE-ALONZO**

Ms. MARTINE-ALONZO. Good afternoon, Chair and members of the committee. Thank you for the opportunity to make this presentation before you. Up front with me is also my fellow colleague, Martha Garcia.

I want to first start out by saying that we are extremely grateful to the Congressional funding we received 40 years ago to start our own Ramah Navajo Pine Hill School, and we are celebrating that 40th year this year, and over the years we have graduated over 700 students of our own children in our community, and many of them have gone on to be very successful, and we have graduated from colleges, medical doctors and lawyers and engineers, and we are just proud of that effort, and it all began through the Congressional funding that we received. So you and us stand to be congratulated today. We thank you very much for that.

Testifying before you on five issues, four of them have to do with the operation of the Pine Hill Schools and to echo some of the same testimony that various members have come before you regarding

the administration and operation of the BIE-funded schools, and the first area we want to focus on is the administrative costs, and while the Indian Health Services and some other contractual programs have received some modest increases in the last couple of years to bring them up to parity, you are talking about 80 to 90 percent of their indirect costs, the education side, the BIE education side is still at about 60, 65 percent. And so we are requesting more effort to bring that level up to the 100 percent that the law requires, and so that is something that we, too, want to go on record to request.

And then in addition to that, our Indian Student Equalization Formula, you also heard testimony on that previously, about the need to increase that funding because we are struggling with trying to meet the adequate yearly progress. Our school is a K-12 school, and so in order to meet adequate yearly progress, all the scope of K through 12 must make that percent and meet that percent, and we are making progress every year, but we are struggling.

And then in the area of transportation, when we do not receive adequate funding, we have to take funds from instruction and learning and use that to bring the children to school in order to provide the instruction, and so that is really a critical need that we would like to see increases in those areas.

And the fourth item is scholarships for our Indian children. The new ESEA blueprint when you are going to revise a No Child Left Behind under the U.S. Department of Education, one of the criteria they are looking at is asking that by 2020, schools will be able to graduate students that can go into college or into the workforce without remediation, that they will really be able to raise their level of skill to that level. And so we need to increase the scholarship fund. We do send a lot of our students on but there are a lot that have to look to other areas for funding their college level education. So we urge you to consider that as well.

And then the fifth and last item that I would like to talk about is the funding for about \$1 million to address the telemedicine component. We operate a very small clinic on the Ramah Navajo Band and Tribe Reservation, and we are very remote, and the nearest hospital is 45 miles away, and we share that hospital with Zuni Tribe. We need to bring all of our capabilities up to par so that we can be able to get specialized services. If you take an X-ray in our clinic and you send it through the slow snail mail, it is going to take a week for that to go out and for a radiologist to read that X-ray and to give you a diagnosis and send it back to you, and by that time maybe 2 or 3 weeks have passed. And if the diagnosis is cancer, you have deprived a patient of about a month's worth of treatment, and sometimes these are critical times that you have to respond.

And so if we had the telemedicine capability and the data capability to be able to work with our partnerships in other areas that have this specialization, we can do this in 30 minutes to an hour in sending our X-rays and get them read and receive that prognosis. So that is kind of the difference of what we are talking about here.

And so we know that that is also a goal of the Indian Health Services, and so that is our last request, and we just thank you very much for this opportunity.

[The statement of Ms. Martine-Alonzo follows:]



Nancy R. Martine-Alonzo, President  
Board of Trustees, Ramah Navajo School Board, Inc.  
Ramah Navajo Reservation, Cibola County, Pine Hill, New Mexico

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CONGRESSIONAL TESTIMONY

Submitted to the U.S. Congress:

HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENT AND RELATED AGENCIES

FY 2011 FEDERAL BUDGET:

BUREAU OF INDIAN EDUCATION (BIE) & INDIAN HEALTH SERVICE (IHS)

March 19, 2010

Mr. Chairman and Members of the Subcommittee:

**Request.** My name is Nancy Martine-Alonzo, and I am the President of the Board of Trustees of the Ramah Navajo School Board, Inc. (RNSB), which governs the K-12 Pine Hill School and also operates over 30 other school and community programs on the Ramah Navajo Reservation in Cibola County, New Mexico, at Pine Hill, New Mexico.

The Ramah Navajo School Board and the Ramah Navajo community people are extremely grateful for the continuing support and federal funding we have received for the past 40 years, which has impacted the 4,000-plus members of the Ramah Band of Navajo Indians. Without the congressional funding commitment in a pioneering effort in 1970, the dreams, hopes and reality of the RNSB's legacy for taking control of its educational responsibilities, and thus, our presence here would not have been possible.

My testimony today is on the need for Congress to appropriate funding to address the infrastructure needs of our Bureau of Indian Education BIE-funded school and other federal community programs in two categories. Requests "1 through 4" are for the operational funding needs of all BIE Grant Schools throughout the country, including our own Pine Hill School, and request number "5" is for our increased telemedicine capacity for our own tribal health clinic:

1. **Increase Tribal Grant School Support Costs by \$23.2 million above the budget request:**  
This is the account that funds administrative costs incurred by tribes that have elected to take over operation of BIE schools on their reservations. But funding for these costs has not only failed to meet the requirements of the law, it has fallen to such a low level - *only 61% of what the law requires* - that the viability of tribally-operated schools is in jeopardy. The amount supplied in the FY 2010 budget - \$43.37 million - was even less than the amount supplied in FY 2003. For the K-12 Pine Hill School, we have had to subsidize this massive underfunding of school administrative costs. We should not have to do this, but we have no choice. Our indirect costs pool presumes that we receive 100% of the administrative costs the law requires. When we do not, which has been the case for 19 of the last 20 years, the Ramah Navajo School Board, Inc., must make up the difference. It is clear that the Obama Administration recognizes the importance to Indian self-determination of supplying needed funding for a tribe's indirect costs - called

"contract support costs." For FY 2010, the President and Congress joined to provide an enormous \$116 million *increase* for the contract support costs of tribes performing IHS contracts. But why has not this desire to meet its commitment to tribes extended to tribally-operated *school* programs? There is no justification for this disparate treatment. The President seeks \$46.37 million for Tribal Grant Support Costs, an increase of \$3 million. While we appreciate a request for a meaningful increase for the first time in nine years, it is grossly insufficient to meet our costs and will not even enable BIE to pay 65% of the statutorily-required amount. We calculate that full funding for Tribal Grant Support Costs will require \$69.6 million. Thus, we ask the Committee to recommend an increase of \$23.2 million above the budget request for Tribal Grant Support Costs.

2. Increase Indian School Equalization Funds (ISEF) budget by \$39.8 million to a total of \$431 million in order to fulfill the Federal Government's obligation to Indian children in the BIE school system: These funds support our education program, which is, of course, the core function of our school. In order to pay competitive teacher salaries and maintain student-teacher ratios required by New Mexico law, our School Board has annually contributed its ISEF funds to cover support and auxiliary cost for the past several years. Without an increase to ISEF, our school could not recruit and retain high quality personnel needed for our educational program to succeed. Key support services also require additional subsidies. For example, our food service budget, transportation, facilities and maintenance falls short of the amount needed, and we must also subsidize school security, a school nursing staff, and after-school programs. All of these costs should be the responsibility of the BIE. But the agency's budget for the Indian School Equalization Formula chronically fails to supply the level of support needed, and does not take into account the enhanced costs of operating a small school such as ours in a sparsely-populated reservation community. Over the past seven years, the ISEF budget has increased by only 13% - less than 2% per year. For FY 2011, the Administration seeks to *decrease* the ISEF budget by more than \$500,000. Instead, we urge that the ISEF budget be increased by \$39.8 million to a total of \$431 million in order to fulfill the federal government's obligation to the 42,000 Indian children in its BIE school system.
3. Student Transportation for FY 2009 (President's Request: \$46,912,000): Student transportation has a long history of being underfunded. Since 1975 until now, on the average, 90% of students attending the Pine Hill School travel by school buses on 450 miles of mainly unimproved roads of gravel or dirt. These road conditions result in much wear and tear on our bus fleet and are compounded during inclement weather. When FY 2008 transportation funding resulted in only \$2.61 per mile, this was only enough to cover 70% of our transportation needs, so we are forced to reprogram ISEP funds to offset this shortage for our transportation needs since students must first get to school and back home before any education can happen. Since the cost of fuel is rising, as is repair and maintenance, we request an increase in student transportation to reflect the \$3.10 per mile for funding of \$55,256,000. This would be getting us closer to the national average rate of \$3.58 per mile. Until we receive adequate school bus funding, we will continue to have to reprogram funds from instructional programs to pay the costs of getting students to school. Also, we do not receive any funding for extracurricular and cocurricular activities that augment our school improvement efforts, such as school field trips and athletic events.

4. College Scholarships: Any reduction in appropriations for college scholarships for American Indian students is an open invitation for increasing unemployment among our Indian youth. During the past several budget cycles, scholarship funding has steadily been reduced while the number of applicants increases. There is absolutely no logical reason to put programs such as “No Child Left Behind” in place with a federal mandate when the opportunities for attaining postsecondary education is being reduced at the same time. If our country is to sustain benefits from our youth by becoming our future leaders, it needs to provide scholarship funding that parallels the ever increasing need for college educated Indians in education, business, health, natural resources, and all other professions needed by tribes throughout the country.

The Ramah Navajo School Board is also requesting \$1 million for:

5. Telemedicine Capability (\$1 million): The Pine Hill Health Center, a tribal clinic that is part of the Indian Health Service (IHS) system, has a great need for telemedicine and associated 21<sup>st</sup> Century capabilities. Our current computer system was installed when there were only 35 staff members and 1,000 sq feet of space. Our health programs have grown over the past 35 years to meet the needs of the Navajo people in this rural area to over 70 employees and 10,000 sq ft to provide medical, emergency ambulance services, pharmacy, dental, wellness, and behavioral health services. Recruitment and retention of highly qualified medical staff and proper maintenance and replacement of equipment are extremely hard to sustain in our rural isolated community.

The telemedicine needs include replacing and enlarging the computer system that handles the patient database and financial systems. Such an overhaul will include such things as installation of equipment for federally-mandated electronic health record requirements, telehealth (video conferencing for specialist consultation on urgent patient questions, as well as psychiatric and mental health emergency consults), installation of a digital dental system, upgrading of radiology equipment to handle digital radiology and teleradiology capability, and the associated costs, i.e. routers, servers, uninterrupted power supplies, replacement of our financial management system, cabling and installation, and replacement and additional PCs.

Presently, providers rely on a “wet” film and no radiologist interpretation due to remoteness of area. The medical and dental providers currently have no electronic links to the patient records and information at other IHS facilities or to the non-IHS hospitals and doctors’ offices where referrals are made to either send or receive important diagnostic information. We currently rely on telephone, fax and postal mail communications, which cause delays in making appropriate medical decisions and delaying patient care. Another example is a referral of one of our patients for CT exam. Because we have no connectivity to these institutions we had to rely on the CT report coming by mail. Our physicians received the report three weeks later with a definitive cancer diagnosis which delayed cancer treatment by approximately one month. Lab information is often not available until the next day, whereas electronic linkages would give results within 30-60 minutes. Having immediate access to patient care information would increase the quality of care given as well as the efficiency of services.

Our request is certainly consistent with the mission and activities of the Indian Health Service, which is expanding its efforts in the area of telemedicine. IHS has requested a

\$40 million increase (for a total of \$135 million) in the area of health information technology for FY 2011 in the Hospitals and Clinics program. We also note that the IHS medical equipment account, for which the Administration requested \$23.7 million (a \$1 million increase), could be a source of funding for telemedicine equipment. We ask Congress to specify that the IHS provide increased funding to help meet the urgent telemedicine needs of the Ramah Navajo community.

**The Ramah Navajo Community.** The main Navajo Nation Reservation is spread out over Arizona, New Mexico and Utah, but the Ramah Navajo reservation area: (1) Is geographically separated from the main reservation lying 175 miles southeast in Cibola County, New Mexico. (2) Covers approximately 300 square miles in a rural, isolated high desert area (3) Has few paved roads, no business center, and the nearest towns are over 60 miles away. (4) Was ignored for most of its history by federal, state and tribal governments. (5) Began to realize that it must start exercising more self reliance in the late 1960s when the local public school was condemned, closed, and the State declined to rebuild it.

Efforts begun in the 1960s by Ramah Navajo grass roots leaders to obtain funding for their own school by traveling to Washington, D.C., to make direct appeals to congressional leaders. These efforts were successful and the construction of the community-controlled K-12 Pine Hill School was soon begun. The new Ramah Navajo School Board then acquired other much needed programs for the community, such as an IHS clinic, a radio station funded by the Corporation for Public Broadcasting, and other services. All of these efforts by the Ramah Navajo people - as well as a similar effort by another Navajo community - led to the passage of the "Indian Self-Determination and Education Assistance Act" of 1975 (Public Law 93-638), the most important congressional law in modern American Indian history.

The Ramah Navajo School Board, Inc. (RNSB) is celebrating its 40<sup>th</sup> Anniversary in 2010 in community self-determination since its founding in 1970. RNSB and the Ramah Navajo Chapter have established and continue to maintain: (1) Authority from the Navajo Nation to directly contract programs from federal and state governments; (2) Recognition by the Bureau of Indian Affairs to contract on a government-to-government relationship; and (3) Our own BIA Ramah Navajo Agency.

Today, RNSB not only operates a K-12 BIA grant school, but also over 30 other programs for the Ramah Navajo community, including, among others, a Health Clinic, Social Services, four preschool programs (Head Start, FACE, Early Intervention, and Day Care), Behavioral Health Services, Wellness Center, a Workforce Investment Act program, Adult Education, GED program, School Farm, Fair Grounds, and a Radio Station. Ramah Navajo School Board, Inc., therefore, provides most major services for the community. We have an annual operating budget of about \$17,500,000, of which roughly 80% is used for personnel costs.

Respectfully submitted,

Nancy R. Martine-Alonzo, President  
Board of Trustees, Ramah Navajo School Board, Inc.  
P.O. Box 10, Pine Hill, New Mexico 87357

505-775-3256, Fax: 505-775-3240, E-mail Contact: [oran@msb.k12.nm.us](mailto:oran@msb.k12.nm.us).

Mr. MORAN. Thank you very much, ma'am. We appreciate that. Thank you. I have got to share some bad news with the committee here, so we appreciate your testimony, but we are going to have to accelerate the witnesses' testimony here.

Coming up momentarily we are going to have the Flight Privilege Resolution. It is a 15-minute vote, which means it will probably be a good 20 minutes. Then the Shea-Porter amendment on sea level change. That is another 15 minutes, which is probably 20. Then 10 minutes of debate on a recommittal motion, 15 minute recommittal vote, final passage of the Clean Estuaries Act, and then another resolution.

So we have got almost 2 hours of votes. I am not sure how we are going to handle this. They are going to start very quickly. I think we are going to have to do kind of a tag team here. Mr. Olver, if you could help, we could go back and forth. The problem is that more than likely you are only going to get one member of the committee, so we are going to have to accelerate this. We will try to get as many in as possible right now while the members are still here. We can probably take another 10 minutes before we have to run over to vote.

But thank you very much for your testimony.

Ms. MARTINE-ALONZO. Thank you.

Mr. MORAN. Thank you, Ms. Martine-Alonzo.

Jerome Jainga, who is representing the Tribal Education Departments National Assembly. The acronym is TEDNA in Colorado.

And if you could accelerate it, sir, we would very much appreciate it.

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THURSDAY, APRIL 15, 2010.

**TRIBAL EDUCATION DEPARTMENTS NATIONAL  
ASSEMBLY**

**WITNESS**

**JEROME JAINGA**

Mr. JAINGA. You bet. It is Jerome Jainga for the record, and good afternoon, Chairman Moran, Ranking Member Simpson, members of the subcommittee. Thanks for this opportunity for TEDNA to come and speak before you about Tribal Education Departments.

I have worked as the Tribal Ed Director in the State of Washington for the Suquamish Tribe, who is one of the founding members of TEDNA, and we are very thankful to member Norm Dicks as well.

TEDNA is a national member-based advocacy organization that is representing Tribal Education Departments and Tribal Education Agencies, TEDs or TEAs. Over 200 tribes have TEDs that serve almost 700,000 tribal students in public, Bureau of Indian Education, and charter schools located on or off tribal geographic territories.

Today we are here to ask the subcommittee for the support of \$2 million for TED. This money would become available to all the TEDs through a grant process in the Department of the Interior.

In the Elementary and Secondary Act funding for TEDs through the Department of Interior has been authorized since 1988. In the authorization Congress envisioned TEDs facilitating tribal control over education at the local level by coordinating education programs, developing and enforcing tribal education codes, policies and standards, and providing support services and technical assistance to schools and programs.

In NCLB it was retained that TED appropriations of \$2 million, even though this needed, yet inadequate, Federal Appropriation Authorization would support the important work of TEDs to this date it has never been funded. Lack of federal support for TEDs harms tribal students and the statistics prove it, and again, it has yet to be funded.

In some states high school dropout rates is well over 50 percent. In 2008, approximately 23,000 tribal students between the ages of 16 and 19 dropped out of high school. That is roughly 5,750 tribal students a year throughout all classes, and it shows and represents about \$221.6 million in lost wages for these families per year.

Further, tribal students have a high rate of absenteeism, suspension, expulsion. Eighth graders are shown in the tribal student population to be 18 percent more likely to read or perform in mathematics at a below-basic level than their peers. TEDs are uniquely equipped to improve these statistics, because they are aware of the cultural, social, and the economic conditions that affect these tribal students. And this point is supported by the universal support in Indian Country and how they have shown their support for the TED and TEA appropriations.

This year TEDNA has secured resolutions in support of these appropriations in the fiscal year 2011, budget from the National Congress of American Indian, National Indian Education Association, the United Southern Eastern Tribes, the Great Plains Tribal Chairman Association, and the Affiliated Tribes of the Northwest Indian.

Further, several tribes have submitted appropriation request forms for TED and TEA program funding authorized in the NCLB to their Congressional offices, including tribes in Montana, Oklahoma, Washington, California, and Wisconsin.

In addition, the National Congress of American Indians and the National Indian Education Association has made this funding a top priority. Indian Country is united in its support for TED and TEA appropriations, and we have worked to secure support from many Congressional offices, and we are grateful to that, and they are submitting support letters to the subcommittee.

Without this federal financial support, TEDs for the most part do not have the ability to do what Congress had envisioned and to help students. It is a great investment in tribal students to put this funding forward so that tribal education codes, policies, and standards that have not been developed or implemented as they should can do that.

The requested \$2 million for TED and TEA appropriations is a good investment. It will improve academic success by providing funding for tribal education agencies to operate programs mentioned above and in areas such as math, science, reading, after-school programs, and tutoring. The Rosebud Sioux tribe, using their tribal dollars, operated similar programs, and that helped to

lower the dropout rate by 30 percent. This is a statistic that came through the 1990s, but in short and in closing, TEDs and TEAs can help the non-tribal, and the federal, state governments to serve tribal children. TEDNA strongly encourages Congress to do this.  
[The statement of Mr. Jainga follows:]



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## Tribal Education Departments National Assembly

### Officers and Directors 2010

Quinton Roman Nose, *Cheyenne-Arapaho Tribe*, President  
Angeline Matson, *Sault Ste. Marie Tribe of Chippewa Indians*, Vice-President  
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Lisa John, *Chickasaw Nation*  
Colleen Almojuela, *Suquamish Tribe*  
Jerome Jainga, *Tsimshian*

### Written Testimony of Jerome Jainga, TEDNA Board Member House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, April 15, 2010

#### INTRODUCTION

The Tribal Education Departments National Assembly (TEDNA) is a member based advocacy organization for Tribal education agencies. TEDNA respectfully requests \$2 million in program funding for Tribal Education Agencies (TEAs) authorized in the No Child Left Behind Act (NCLB), Title X, Section 1140, currently codified at 25 U.S.C. § 2020 (Department of Interior).

Over 200 of the over 560 federally-recognized tribal governments have education agencies. Known as "Tribal Education Departments" (TEDs) or "Tribal Education Agencies" (TEAs), these tribal governmental agencies can help the non-tribal federal and state governments serve tribal students. Funding for TEDs / TEAs has been authorized by Congress in two separate laws:

- 1) In 1988 Congress authorized appropriations for TEDs / TEAs within the BIA budget of the U.S. Department of the Interior (Pub. L. No. 100-297, Section 5199); and
- 2) In 1994 Congress authorized appropriations for TEDs / TEAs in the budget of the U.S. Department of Education (Pub. L. No. 103-382, Section 9125).

Both of these authorizations are retained in the No Child Left Behind Act of 2001, Title X, Section 1140, currently codified at 25 U.S.C. § 2020 (Department of Interior) and Title VII, Section 7135, currently codified at 20 U.S.C. § 7455 (Department of Education). Congress, however, has never appropriated funding for TEDs / TEAs under these authorizations; and only once (FY 96) has a President's proposed budget actually requested TED / TEA appropriations. We strongly urge Congress to invest in tribal students and appropriate \$2 million for TEDs / TEAs.

#### JUSTIFICATION FOR TED / TEA FUNDING

The amounts requested for TED appropriations are relatively small, particularly in the context of the enormity of the federal budget. Yet if funded, these modest amounts would have a significant impact on Indian education. This point is supported by the unanimous support Indian Country has shown for TED / TEA appropriations. This year TEDNA has secured resolutions in support of TED /



TEA appropriations in the FY'11 budget from the National Congress of American Indians, National Indian Education Association, United South Eastern Tribes, Great Plains Tribal Chairman Association, and the Affiliated Tribes of Northwest Indians. Further, several tribes have submitted appropriation request forms for TED / TEA program funding authorized in the NCLB to their Congressional delegation; including six out of the seven Tribes in Montana, two Tribes in Oklahoma, three Tribes in Washington, two Tribes in California, and one Tribe in Wisconsin. In addition, the National Congress of American Indians and the National Indian Education Association has made TED / TEA funding a top priority. Indian Country is unanimous in its support for TED / TEA appropriations.

**I. What is a TED / TEA and What does it Do?**

A TED or TEA is typically an executive branch of a tribal government that has been assigned responsibility for education—much like SEAs are agencies of state governments. Over 200 tribes—located in 32 states—have TEDs / TEAs. TEDs / TEAs coordinate all education matters of a tribe. What TEDs / TEAs do varies according to each Tribe's governmental organization, laws, and resources. TEDs / TEAs serve thousands of tribal students nationwide, in BIE, tribal, and public schools. TEDs work on reservations, in urban areas, and in rural areas. They have positive impacts on early childhood, K-12, higher, and adult education.

Currently, TEDs / TEAs may perform local education agency or state education agency like functions depending upon the capacity of the particular TED or TEA. TEDs or TEAs may administer federal contract or grant programs, such as Johnson O'Malley, administer and implement the education laws and policies of the Tribe, make recommendations to the Tribal lawmakers regarding education, develop curriculum, operate teacher training programs, operate afterschool programs, and summarize, collect and analyze data, and assess student academic progress.

Most TEDs / TEAs would like to do more but are limited by a lack of funding. Especially without regular federal financial support, TEDs for the most part do not have the ability to do all the things that Congress says they should be doing to help students and schools. In the NCLB Congress envisioned TEDs / TEAs as facilitating tribal control over the education of tribal students. Because the funding has never been appropriated, Tribal education codes, policies, and standards are not being developed or implemented. Tribal-State coordination of the various federal programs - Title I, Title III, Title VII, Impact Aid - that serve tribal students is not happening. Technical assistance and training is lacking. Programs and initiatives to increase tribal student high school graduation rates and post-secondary school readiness are not available. Most importantly, at this time of phenomenal electronic means and capabilities, accessible and usable electronic data on tribal students is not available or accurate.

As a result, the Tribal students, unfortunately, are not supported as well as they could be through the educational process – and the existing data proves this. In some states the high school dropout rate of tribal students is over 50%. In 2008, approximately 23,000 tribal students between the ages of 16 and 19 dropped out of high school. This means that for each school year roughly 5,750 tribal students from each class—freshman, sophomores, juniors and seniors—drop out of high school. The average annual income for a high school dropout in 2005 was \$17,299, compared to \$26,933 for a high school graduate, a difference of \$9,634. Thus, the high school dropout rate of tribal students represents \$221.6 million in lost wages per year. Further, Tribal students have the highest rates of absenteeism, suspension, and

expulsion. 8th-grade tribal students are 18% more likely to read or perform in mathematics at a "below basic" level than their Caucasian peers.

TEDs / TEAs are uniquely equipped to deliver educational programs tailored to improve these dire statistics. Tribes alone, however, cannot sustain and expand vital programs. Federal support is essential. The requested \$2 million for TED / TEA appropriations is a good investment in tribal students. It will improve their academic success by providing funding for tribal education agencies to operate the programs mentioned above; such as developing tribal education codes and policies, coordinate federal programs (ESEA Title I, III, VII, and Impact Aid) with the states, as well as develop programs to increase graduation rates, post-secondary school readiness, and develop electronic data regarding tribal students.

## **II. Current TED / TEA Funding**

Currently most TEDs / TEAs operate on extremely small budgets provided annually by tribal funds. They may receive limited federal funding for contract, grant, and program administration. Tribal funding, if any, may be earmarked to meet critical immediate needs such as scholarships or provide student clothing, and school supplies. This means that TEDs / TEAs do not have funds for operational expenses and staff to conduct education research and planning, or to develop tribal education initiatives and materials like truancy programs and curricula. Yet these are the core areas of education that tribes need to impact in order to "change the numbers"—i.e., to close the reported achievement gaps so that tribal students will be better equipped to perform well in school.

Tribes will continue to annually fund TEDs and TEAs, but to be effective, TEDs / TEAs need federal financial support so that they can move beyond administering scholarships and supplemental education contracts and grants. TEDs / TEAs need to be involved directly in the areas of education in which State Education Departments and Agencies are involved. These areas include setting meaningful education policies and regulations; collecting and analyzing education data; engaging in education planning; setting academic standards and developing student progress assessments; and determining what students learn and how it is taught.

It is useful to view the current state of funding for TEDs / TEAs in the context of funding currently being given to State Education Departments. Congress began funding State Education Departments in 1965 when it enacted the original Elementary and Secondary Education Act, Pub. L. No. 89-10 (See Title V, "Grants to Strengthen State Departments of Education"). Thirty years later the U.S. Government Accountability Office noted that federal funding accounted for over forty percent (40%) of funds for the general operations and staff of state education agencies and departments nationwide. U.S. GAO, Education Finance: Extent of Federal Funding in State Education Agencies, GAO/HEHS-95-3 (Oct. 14, 1995). None of this money is being directed to TEDs / TEAs, even though TEDs are critical in providing services that state education agencies are reluctant to do, such as preserving our tribal languages and cultures, and protecting tribal sovereignty over education.

## **CONCLUSION**

TEDNA strongly urges Congress to invest in tribal students and appropriate \$2 million for TEDs / TEAs for the Department of Interior.

Mr. MORAN. Thank you.

Mr. JAINGA. Thank you.

Mr. MORAN. Thank you, Mr. Jainga. Thank you.

Mr. JAINGAN Questions?

Mr. MORAN. No, because we have got to move on, and what is going to happen is that it is the luck of the draw, and unfortunately, the people that have not yet spoken their luck is going to run out in terms of having the attention of the full subcommittee unfortunately.

Roman Bitsuie, the Executive Director of Navajo Hopi Land Commission in Arizona.

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THURSDAY, APRIL 15, 2010.

## NAVAJO HOPI LAND COMMISSION

### WITNESS

#### ROMAN BITSUIE

Mr. BITSUIE. Mr. Chairman and members of the subcommittee, my name is Roman Bitsuie. I am the Executive Director of the Navajo Hopi Land Commission Office, an entity of the Navajo Nation. Thank you for this opportunity to provide testimony on what has been one of the most difficult matters in modern federal Indian policy and a true tragedy for the Navajo Nation.

I have spent my entire adult life working to resolve Navajo Hopi land dispute and to address the Bennett freeze. I was born in the disputed area, and I have seen the hardship that the relocation law and the various long-term construction freezes that has created. The impact of these federal actions will be with the Nation for generations to come.

Let me speak first about the former Bennett freeze area. Because of a dispute between the Hopi Tribe and the Navajo Nation, then BIA Commissioner Robert Bennett imposed a construction freeze in 1966, on this 1.5 million acre area located in the western portion of the Navajo Reservation. The freeze was in place until 2006. It was finally lifted after the Navajo Nation secured a court decision that held that nearly all the area was Navajo and then the two tribes were finally able to reach a settlement agreement.

Because of the freeze, the Bennett-freeze Navajos are the poorest of the poor. As President Obama noted in his proposed fiscal year 2011, budget, "During the freeze era the Navajo people were prohibited from building new homes, schools, and health facilities; building infrastructure; and engaging in community and economic development projects, including development for grazing, energy, and other land uses. The freeze influenced the Navajo people socially, economically, emotionally, physically, mentally, and spiritually." The Senate Interior Appropriations Committee reached a similar conclusion at a field hearing in 1993, which I have a copy.

I might add that since the hearing, the only federal appropriation was that of \$1.5 million to construct 85 homes when the freeze was lifted temporarily in 1992, only to be re-imposed by the court in 1995.

President Obama has proposed setting aside \$1.5 million, "to begin development of the former Bennett freeze area." While the President's budget request is welcome, it is intended to be spent largely on land user and agricultural purposes. While these purposes are important, the number one need in this area based on an extensive independent study completed last year is improving housing.

For this reason I will propose an additional \$5 million in BIA housing funds be set aside for critical housing repairs and construction.

I would also recommend that this committee support the establishment of a trust fund for reconstruction of the former Bennett freeze area with an initial allocation of \$10 million for fiscal year 2011, but with further funding over the next 15 years. Such funding will provide the long-term support needed if this area is to be rehabilitated.

Finally, I would ask for \$1.5 million for phase II of a solar project that the Navajo Nation is developing on Paragon ranch, lands in New Mexico. Funds generated through the development of these lands can only be used for the benefit of Navajo families and communities that have been affected by the Federal Relocation Law. If these lands can be developed, then a vital new source of funds will be available to address the Relocation Law.

Although the Navajo Hopi land dispute and the Bennett freeze are painful issues, I thank the committee for this opportunity and to provide testimony about the many Navajo families who have suffered under federal actions can hope for a better life.

Thank you, Mr. Chairman.

[The statement of Mr. Bitsuie follows:]

**Roman Bitsuie, Executive Director  
Navajo-Hopi Land Commission Office, Navajo Nation**

**Testimony Before the  
House Interior Appropriations Subcommittee**

**March 23, 2010**

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**Requests:**

- **\$5 million** for housing improvements in the former Bennett Freeze Area of the Navajo Nation, out of BIA Trust Natural Resources and Housing Improvement Funds, Department of Interior
- **Establishment of a Former Bennett Freeze Area Rehabilitation Trust Fund with an FY 2011 funding level of \$10 million**
- **\$1.5 Million** for Phase II of the Navajo-Hopi Land Commission Renewable Energy Development Project, out of the budget of the Office of Navajo and Hopi Indian Relocation (which should be increased overall for this purpose), Department of Interior, or the Energy Efficiency and Renewable Energy account of the Department of Energy

**Introduction.** Thank you for this opportunity to provide testimony on what is one of the most vexing matters in modern Federal Indian policy and a true tragedy for the Navajo Nation. I am the executive director of the Navajo-Hopi Land Commission Office, an entity of the Navajo Nation. I have spent my entire adult life working to resolve the Navajo-Hopi Land Dispute and Bennett Freeze-related issues. I am from the Hardrock Chapter of the Navajo Nation in Northeastern Arizona, which was divided in half when the 1882 Executive Order area was partitioned by Congress into the Hopi Partitioned Land (HPL) and the Navajo Partitioned Land (NPL). I have seen the hardship that the relocation law and various multi-decade construction freezes have created. Every day Navajo tribal members come in to my office to tell me of the hardships that they have suffered because of the relocation law or the Bennett Freeze. The impact of these Federal actions will be with the Navajo Nation for generations to come.

In 1934, the U.S. Government clarified the western boundary of the Navajo Nation identifying an area of land as for the Navajo and “such other Indians as may already be located thereon.” This language created ambiguity over ownership of the land, which was nearly entirely inhabited by Navajos. In litigation between the tribes, the Hopi sought extensive rights over the whole area. As a result, in 1966, Commissioner of Indian Affairs Robert Bennett ordered a “freeze” on development in a 1.5 million acre area in the extreme western portion of the Navajo Reservation, now called the Bennett Freeze Area. As a result of this construction freeze, the Bennett Freeze Navajos have become the “poorest of the poor.” While in theory development was possible with the permission of both tribes, in reality the area was principally occupied by Navajo families and the Hopis rarely granted permission for Navajo projects. Thankfully, the two tribes reached agreement on a settlement of their disputes and last year the Congress passed

legislation striking from the U.S. Code the language which had authorized the Bennett Freeze. The agreement provided that most of the area belonged to the Navajo Nation. For the thousands of Navajo families who live there this means that the freeze served no real purpose other than to bring them misery and hardship.

**Expanding on President Obama's Request for the Bennett Freeze – Adding \$5 Million for Housing Improvements.** In his proposed FY 2011 budget, President Obama has set aside \$1.2 million “to begin development of the former Bennett Freeze area.” In the FY 2011 BIA Budget justification, the Administration notes that “[t]he Bennett Freeze was the product of a long-standing land dispute that impacted the Navajo people and prevented development of land at the Navajo Reservation for over 40 years... more than 12,000 Navajo people live in the area....During the freeze era, the Navajo people were prohibited from building new homes, schools, and health facilities; building infrastructure; and engaging in community and economic development projects, including development for grazing, energy and other land uses. The freeze influenced the Navajo people socially, economically, emotionally, physically, mentally and spiritually.” “Empowering Tribal Nations,” Departmental Highlights, 57-58.

While the President's budget request is welcome, it is intended to be spent largely on land use and agricultural purposes. While these purposes are important, the number one need in this area, based on an extensive independent study completed last year, is improved housing. For this reason, I would propose that an additional \$5 million in BIA housing funds be set aside for critical housing repairs and construction.

**This Committee should establish a trust fund for reconstruction of the former Bennett Freeze area.** For the former Bennett Freeze area to recover there must be a sustained reconstruction program implemented over a decade or more. This would be consistent with the findings of the Interior Appropriations Subcommittee of the Senate Appropriations Committee in a field hearing held in Tuba City, Arizona on July 9, 1993. Going back four decades to the “War on Poverty” and the “Great Society Program,” and continuing through numerous Federal initiatives addressing poverty and economic hardship in general, as well as programs directed at Indians in particular, this area has been effectively ineligible for aid. The results have been devastating with most homes lacking electricity and running water, limited infrastructure, few schools and, therefore, no economic development. Congress should authorize the Office of Navajo and Hopi Indian Relocation (ONHIR) to oversee reconstruction activities, with the Navajo Nation having the option of assuming control of those activities that affect Navajo people and lands, as well as the option of assuming control of the trust fund proposed above.

**Renewable Energy Development Funding in Support of Affected Navajo Families and Communities.** The Navajo Nation has begun development of the Paragon Ranch lands in New Mexico through an initiative known as the Navajo-Hopi Land Commission Renewable Energy Development Project (REDP). These lands were provided to the Navajo Nation pursuant to 25 U.S.C. Section 640d-10. Funds generated through development of these lands are to be deposited into the Navajo Rehabilitation Trust Fund, which in turn can only be used “for purposes which will contribute to the continuing

rehabilitation and improvement of the economic, educational, and social condition of families, and Navajo communities, that have been affected by” the Federal relocation law. 25 U.S.C. Section 640d-30(d). If these lands can be developed, then a vital new source of funds will be available to address the harsh impacts of the relocation law and the various construction freezes. The Navajo Hopi Land Commission Renewable Development Project is a 3 – 5 year program to construct and operate renewable energy generating facilities, using wind, concentrating solar and other renewable energy technologies.

For FY 2008, the Navajo-Hopi Land Commission received congressionally directed funds of \$300,000 towards Phase I of this project. The requested budget for the second phase of this project is \$1,500,000. The Navajo Nation will provide in-kind contributions including NHLCO staff and staff of other Navajo Nation organizations. Following development of the project strategic plan and marketing materials, funding sources to be approached include the Navajo Nation Council, State of New Mexico and Federal renewable energy programs including the Tribal Energy Development Program, private investors and private investment funds, among other sources.

Phase II funds will: support Project management and implementation team activities to development large-scale renewable energy generating facility in Bisti-Paragon area; initiate Navajo Renewable Energy capital investment/equity fund; design permit and initiate construction of (1) Bisti Renewable Energy Project Center at project site in New Mexico and (2) Navajo Nation Renewable Energy Center in Window Rock, the Navajo Nation governmental center; and initiate Navajo Nation Renewable Energy mentoring/education program. Funds are projected to be allocated to support: professional management and office management services accountable to Navajo Nation Tribal Corporation Board of Directors; technical services to support management team activities to develop and implement design plans, attain land clearances, rights of way and utility and transmission service agreements, mentoring/educational programs; office, travel and publication costs, establish and market project capital investment/equity fund; design, permit and construct first phase of Bisti Renewable Energy Project Center and project site for office, visitor center, research and development, training and residential facilities, commercial uses - on-site powered energy supplied LEED-certified building) and Navajo Nation Renewable Energy Center in Window Rock – Navajo Nation government center - business, government-relations, office, conference, training, and educational services center on-site powered LEED-certified building.

**Conclusion.** Although the Navajo-Hopi Land Dispute and the Bennett Freeze are painful issues, I thank the Committee for this opportunity to provide testimony on a path forward to assure that the many Navajo families who have suffered under these Federal actions can have hope for a better life.

Mr. MORAN. Thank you, Mr. Bitsuie. Thank you very much.

Dr. Mark Walker is next. I am going to ask that it only be oral testimony. Please do not read anything. We do not have time for that. Just summarize what you want to tell us, and we will put the statement into the record. We have only got less than 5 minutes to vote, and once we go we are gone for 2 hours of voting. So that is the situation that confronts us unfortunately. It is out of our control. Dr. Walker.

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THURSDAY, APRIL 15, 2010.

**COUNCIL ON GOVERNMENT AFFAIRS, AMERICAN  
DENTAL ASSOCIATION**

**WITNESS**

**DR. MARK WALKER**

Dr. WALKER. Thank you very much. Well, we appreciate the opportunity to comment on the oral health issues that affect the American Indians and Alaska Natives, as well as the dentists that serve in Indian Country. I would like to thank the committee for their continued support of the Indian Health Service Program. Increases the committee included in this budget year will expand recruitment efforts, increase advanced training needed for specialists, and provide an electronic dental record service, all important things.

We are pleased the Administration has recommended an increase in the budget for the dental division this next year; however, the proposed funding level of just over \$161 million really only protects the status quo and does not improve the program to reduce the disproportional level of oral disease in this population.

The most pressing oral issue in Indian Country is tooth decay or caries, and, especially among young children, has reached epidemic proportions. The decay rate is about 400 percent that of the average population. Worse still is the severity of the decay. Native American preschool children have five decayed teeth compared to one decayed tooth in the rest of the population.

To address this the Indian Health Service instituted an Early Childhood Caries Initiative, a program designed to promote prevention and early intervention in tooth decay in young children. Having long recognized the severity of this epidemic, last year the ADA hosted a symposium on early childhood caries in American Indians and Alaska Native children. Among their conclusions is that more research needs to be done for this disease because in the Native American children the disease starts earlier and it is often more aggressive and destructive.

The Sisseton-Whapeton Tribe set a five year goal to have all children enter into school caries free. We would ask the committee to support this goal and expand it to all Native American children under the age of five. We anticipate this would cost another \$50 million.

[The statement of Dr. Walker follows:]



**ADA American Dental Association®**

**STATEMENT OF THE  
AMERICAN DENTAL ASSOCIATION  
TO THE  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT,  
AND RELATED AGENCIES  
COMMITTEE ON APPROPRIATIONS  
U.S. HOUSE OF REPRESENTATIVES  
ON  
SUPPORT OF DENTAL AND ORAL HEALTH-RELATED  
INDIAN HEALTH SERVICE PROGRAMS  
SUBMITTED BY  
MARK V. WALKER, D.D.S.  
CHAIR, COUNCIL ON GOVERNMENT AFFAIRS  
April 15, 2010**

Good Morning Chairman Moran, Ranking Member Simpson and Committee Members. I am Dr. Mark Walker, Chairman of the Council on Government Affairs for the American Dental Association (ADA). I am a private practicing dentist from Kent, Washington. The ADA, which represents 157,000 dentists, appreciates the opportunity to comment on the oral health issues that affect American Indians and Alaska Natives (AI/ANs), as well as the dentists and oral health care providers who serve in the Indian Health Service (IHS) and tribal dental programs.

I would first like to thank the Committee for the support that it has provided the IHS dental program. We believe that the increases in the FY 2011 budget will be instrumental in expanding the dental division's recruitment efforts to dental students, maintaining a level of dentists with advanced training to treat severe oral health care cases and providing for an electronic dental record system that should result in savings and more efficient treatment for AI/AN patients.

We are also pleased that the Administration has recommended an increase for the Division of Oral Health (DOH) to \$161,449,000 for FY 2011. However, the proposed funding level would only allow the Division to maintain its current status at a time when it urgently needs to make broader advancements into improving access to dental care and reducing the disparity of oral disease among AI/ANs.

The level of Early Childhood Caries (ECC), tooth decay, among the AI/AN children has reached epidemic proportions. ECC prevalence is about 400 percent higher in this population than for all U.S. races. Worse still, the *severity* of decay is substantially higher in AI/AN children compared to the population as a whole. Preschool children average more than 5 teeth with decay compared to 1 decayed tooth among U.S. pre-school children of all races. In many AI/AN communities, between 25–50 percent of preschool children have such extensive ECC that they require full mouth restoration under general anesthesia, compared to less than 1 percent for non-AI/AN children.

To address this situation, the IHS has instituted the Early Childhood Caries Initiative - a new program designed to promote prevention and early intervention of tooth decay in young children through an interdisciplinary approach. Components of the program include: early oral health assessments by community partners such as Head Start, the Women's, Infants, and Children's Program (WIC), nurses, doctors, and Community Health Representatives (CHRs); fluoride varnish application by these community partners and dental teams; dental sealants on primary teeth by dental teams at an early age; the use of Interim Therapeutic Restorations (ITR) to reduce the need of children having to go to the operating room to receive dental treatment; and the establishment of a national oral health surveillance system to measure the impact of this initiative. By taking this approach, the IHS is calling attention to that fact that tooth decay is a very significant health issue – not just an oral condition.

Consistent with the IHS initiative, to reduce tooth decay, the ADA hosted a Symposium on Early Childhood Caries in AI/AN children last year. Participants included tribal health officials, pediatric dentists, dental public health staff, dental researchers and consultants with direct experience with this disease. They concluded that more research needs to be done because the disease among many AI/AN children starts earlier and is often much more aggressive and destructive.

The ADA plans to continue to work with these experts and the IHS to find better ways to prevent and treat tooth decay among AI/AN children. The Association believes dental disease is preventable in the AI/AN population, but only if the IHS has sufficient funds to aggressively develop better treatment modalities and a sufficient workforce to reach every AI/AN child and their parents. We ask the committee to support the goal adopted by the Sisseton-Whapeton tribe which set a 5-year goal to have all children be caries-free when they enter school and extend it to all AI/AN children under the age of 5. We believe this program would require an additional \$50 million to expand the Service's ECC initiative and fully staff IHS and tribal sites with pediatric dentists.

For several years, the ADA has come before the Committee and shared our concerns regarding the number of dental vacancies in the IHS. Mr. Chairman, we are pleased to report that the IHS dental program is seeing improvement in reducing vacancies. Two years ago, we reported that there were over 140 dental positions open, last year that was reduced to 87. Today, the number is 55. We believe that several factors have contributed to reducing these workforce shortages.

The IHS dental recruiters have conducted an excellent campaign to attract dental students to participate in their summer extern program as a way to introduce them to the Service. In 2008, applications increased from 151 to 322 from dental students representing 49 of 56 dental schools. However, there was only enough funding to place 120 students. Thanks to this Committee's recognition of the success of this program we expect that the IHS will be able to place up to 240 applicants this summer. Experience has shown that the externs become IHS ambassadors when they return to school and we believe that this will result in more dentists applying to the IHS upon graduation. The ADA has supported the IHS extern program by providing travel support to second year dental students who provide assistance to the externs. This effort introduces additional students to career opportunities serving Native communities.

The average student debt load for dentists is \$200,000 and most begin repaying their debts soon after graduation. The IHS dental loan repayment program offers an attractive incentive for dentists to join the Service. But it is also an excellent retention tool. Many dentists who enter the IHS with loan repayment want to stay beyond their initial agreement. While on site visits to tribal programs, ADA representatives have heard from patients – especially elders - who complain that too often dentists come and go. Being able to have a sufficient workforce where dentists could provide a continuum of care to patients requires additional funding for loan repayment. Today there are 126 dentists in the IHS on loan repayment. Of those, 114 have continued their contracts beyond their initial commitment. The ADA recommends that the Committee increase the funding for dental loan repayment by \$3.5 million and designate it to be used by the Director of the IHS Headquarters Division of Oral Health. This additional funding will allow the Division to fill the remaining 55 vacancies.

The Committee should also know that because the IHS has not been able to fill all dentist vacancies, for the past four years, the ADA has coordinated the recruitment, placement and support of volunteer dentists and dental students who agree to serve for two-week assignments in Indian country. The ADA's AI/AN Dental Placement Program seeks to improve access to dental care, reduce oral health disparities, promote innovative and culturally responsive oral

health care, support IHS recruitment efforts, and create meaningful volunteer opportunities for member dentists. In 2009, 29 volunteers served for 361 days at IHS/tribal clinics.

#### **Health Information Technology**

The American Recovery and Reinvestment Act (ARRA) provided \$3.5 million for the IHS Electronic Dental Record (EDR). Totally the Division needs an additional \$12 million to complete the deployment of the EDR to all federal and tribal dental programs. The EDR will support program planning, evaluation, and reporting needs for the DOH. Additionally, it will provide automated patient dental records and capture dental data from patient encounters and oral examination records to support quality assurance, utilization reviews, resource allocation, clinical measures, and research. The ADA believes that IHS dental patients should have the same quality of care enjoyed by all Americans and making sure that the DOH can fully implement the EDR in a timely fashion will help to ensure that goal.

#### **Continue Congressional Program to Upgrade Dental Facilities**

In 1995, the Association testified regarding the urgent need to replace and upgrade dental facilities throughout Indian Country. The Committee recognized that it was impossible to build new dental facilities but acknowledged the need for modern clinics by setting aside at least \$1 million each year to replace modular dental units. This approach has been highly successful, increasing access to care and decreasing the oral health disparity of AI/AN patients. However, it appears that for the last two years, no funding has been allocated for this project in spite of the fact that there are still at least 27 dental programs on the waiting list. We request that the Committee continue this successful program at \$1 million for FY 2011 in the facilities account.

#### **Expand Dental Clinical and Preventive Support Centers**

Above I stated the ADA's concerns about early childhood caries – with special emphasis on children up to age 5. However, tooth decay among older children and adults is also a problem. An important additional component for the IHS would be to expand the existing eight dental clinical and preventive support centers. Support Center staff in this program are trained to assist in establishing and maintaining community-based programs to prevent dental disease. Their training includes:

- School-based sealant programs,
- Community water fluoridation,
- School-based fluoride mouth rinse programs,
- Community-based dental education programs, and
- Programs to prevent periodontal disease, and

In order to fully address the needs of the support centers, we recommend that the Committee increase the current funding by \$1 million to \$2.75 million and designate the funding to be used by the Director of the IHS Headquarters Division of Oral Health. This amount of funding will allow for a support center in each IHS geographic area.

### **Centers of Excellence in the IHS Division of Oral Health**

As Congress has debated health care legislation during the past year, great emphasis has been placed on making all federal health care programs effective and efficient. With that thought in mind, we are proposing that the IHS create two new Centers of Excellence:

- A Center of Excellence for Clinical Training: This center would provide for training and recertification of dental assistants (DAs). The IHS needs to train new DAs, to develop the next generation of assistants to replace those expected to retire. The center will provide online training/coursework for IHS-DOH employees, manage their Continuing Dental Education Program and manage training-related pilot projects, all of which would result in improved quality of oral health care for the AI/AN communities, and
- A Center of Excellence for Program Management: This center would provide for management training which would result in the field and area programs being more efficient and effective in meeting the oral health needs of the AI/AN population.

The ADA recommends that the Committee provide an additional \$1.5 million for start-up costs for the centers. Funding for these centers would need to be appropriated to, and controlled by, the Director of the IHS Headquarters Division of Oral Health.

### **Conclusion**

From the Association's experience of working with the IHS dental program for over 35 years, we know that adequately funding dental care can make a difference. The 1991 Oral Health Survey shows that in areas where dental care was accessible there was a:

- 14% increase in the number of children 5-19 years with no decay,
- 12% decrease in the number of children 5-19 years with high decay rates (7 or more cavities), and
- 9% decrease in the number of adults 35-44 years with periodontal disease.

It is because of these successes that we strongly believe that investing an additional \$68 million in the IHS dental program can result in better health outcomes for AI/AN patients. We believe that it can also result in cost reductions. We cannot "drill and fill" our way out of dental disease. But we can prevent it – which is a more cost efficient and better way of reducing oral disease.

Thank you for allowing the ADA to testify and highlight the needs and successes of the IHS dental program. The ADA is committed to working with you and the IHS to aggressively reduce the disparity of oral disease and care that currently exists in Indian Country.

Mr. MORAN. Okay. Thanks very much, Dr. Walker. We are down—

Dr. WALKER. Thank you.

Mr. MORAN [continuing]. To about 2 minutes. We will bring that up with the head of the Indian Health Service if we can get her here.

Dr. WALKER. Thank you so much.

Mr. MORAN. Thank you very much.

McCoy Oatman. You are going to have to do this in a minute or two if you want to have the attention of all of us, sir. I am sorry for this, but you are the Chair of the Columbia River Inter-Tribal Fish Commission, and we appreciate your coming to testify from Oregon.

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THURSDAY, APRIL 15, 2010.

## **COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION**

### **WITNESS**

#### **MCCOY OATMAN**

Mr. OATMAN. All right. Thank you, Chairman Moran, committee members. My name is McCoy Oatman, and like you say, I am the Chairman of the Columbia River Inter-Tribal Fish Commission. I also sit on the Tribal Executive Committee, Nez Perce Tribal Executive Committee with Sam Penney who testified earlier.

Most of our money for our program comes out of BIA, Rights Protection Implementation. The biggest request we have today is to restore the entire Rights Protection Implementation Account to its fiscal year 2010 level of \$30,451,000. The two primary justifications for that is the increase in the management responsibilities. We recently concluded three significant 10-year agreements: the U.S./Canada Pacific Salmon Treaty, U.S. v. Oregon Fisheries Management Plan, and Columbia Basin Fish Accords, which three of our tribes are signatories. The Nez Perce Tribe is not, but we agree with, the status of each tribe that they can go on with their own pathway.

And just address our challenges. Climate change, reduction in state natural resource budgets, increase in safety and enforcement needs, and other species needs like lamprey, sturgeon, and some management need for the predatory sea lions that take a part of our salmon.

And finally, we continue to sustain losses from inflation and rising costs, and I would just like to thank the subcommittee for their time today.

[The statement of Mr. Oatman follows:]


**COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION**

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**TESTIMONY OF**
**The Honorable McCoy Oatman**
**Chairman, Columbia River Inter-Tribal Fish Commission**
**To the**
**Appropriations Subcommittee on Interior, Environment, and Related Agencies**
**United States House of Representatives**
**Regarding the Bureau of Indian Affairs Fiscal Year 2011 Budget**
**March 19, 2010**

Mr. Chairman and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission is pleased to share its view on the Department of Interior, Bureau of Indian Affairs' (BIA) FY2011 budget and has specifically identified two funding needs:

1) \$7,712,000 (an increase of \$3,232,000 over FY 2010 enacted) for Columbia River Fisheries Management under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation areas to restore base program funding to the Commission and the fisheries programs of its member tribes to meet management obligations, including efforts for species listed under the Endangered Species Act, and;

2) \$4,800,000 (an increase of \$680,000 over FY 2010 enacted) for U.S./Canada Pacific Salmon Treaty under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation areas to achieve base program funding adequacy and to implement new obligations under the recent agreement adopted by the U.S. and Canada under the Treaty.

The Columbia River Inter-Tribal Fish Commission (CRITFC) was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and Nez Perce Tribe. CRITFC provides coordination and technical assistance to these tribes in regional, national and international efforts to protect and restore our shared salmon resource and the habitat upon which it depends. The collective ancestral homeland of the four tribes covers nearly one-third of the entire Columbia River Basin in the United States.

In 1855, the U.S. entered into treaties with the four tribes<sup>1</sup> whereupon we ceded millions of acres of our homelands to the U.S. In return, the U.S. pledged to honor our ancestral rights, including the right to fish. Unfortunately, a perilous history brought the salmon resource to the edge of extinction with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA).

<sup>1</sup> Treaty with the Yakama Tribe, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957.

Today, the CRITFC tribes' are leaders in fish restoration efforts and work with state, federal and private entities. CRITFC's member tribes are principals in the region's efforts to halt the decline of salmon, lamprey and sturgeon populations and rebuild them to levels that support ceremonial, subsistence and commercial harvests. To achieve these objectives, the tribes' actions emphasize supplementation of natural stocks, healthy watersheds and collaborative efforts.

The programs in this testimony are carried out pursuant to the Indian Self-Determination and Assistance Act. We have successfully secured other funds to support our efforts, including funds from the Bonneville Power Administration, the Pacific Coastal Salmon Recovery Fund, and the Southern Fund of the Pacific Salmon Treaty, to name a few. Our programs are integrated as much as possible with state and federal salmon management and restoration efforts. Following several years of court supervised collaboration our member tribes have successfully forged three key 10-year agreements including a coordinated plan for salmon restoration to meet the objectives for the Biological Opinion on the Federal Columbia River Power System, while ensuring protection of our treaty reserved rights.

**Columbia River Fisheries Management Program Needs under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation:** Tribal natural resource management issues continue to increase in complexity, requiring greater data collection and more sophisticated analyses and funding has not kept pace with inflation. Funding shortfalls are undermining efforts to fulfill tribal self-determination goals for fisheries management, ESA recovery efforts, protecting non-listed species, conservation enforcement and treaty fishing access site maintenance. Since FY2003, our funding has decreased under the weight of inflation and rising operation costs. We are seeking an increase of \$3,232,000 over FY2010 for a new program base of \$7,712,000 for Columbia River Fisheries Management as explained below:

**Restore Base Program and Meet Unfunded Program Needs:**

The BIA's Columbia River Fisheries Management line item is the base funding that supports the fishery program efforts of CRITFC and the four member tribes. Unlike state fish and game agencies, the tribes do not have access to Dingell-Johnson/Pittman-Robertson or Wallop-Breaux funding. The increase will be directed to support the core functions of the fisheries management programs of the Commission's member tribes.

In 2008 CRITFC and its member tribes successfully concluded lengthy negotiations resulting in three landmark agreements: 1) a Columbia Basin Fish Accords with federal action agencies overseeing the federal hydro system in the Columbia Basin, 2) a Ten-Year Fisheries Management Plan with federal, tribal and state parties under *U.S. v OR*, and 3) a new Chinook Chapter of the Pacific Salmon Treaty.<sup>2</sup> These agreements establish regional and international commitments on harvest and fish production efforts, commitments to critical investments in habitat restoration, and resolving contentious issues by seeking balance of the many demands within the Columbia River basin. While through these agreements the Tribes have committed to substantial on-the-ground projects with some additional resources from the Bonneville Power Administration, the overall management responsibilities of the tribal programs have grown

<sup>2</sup> See "Salmon Win A Triple Crown" at [http://www.critfc.org/text/wana\\_w09.pdf](http://www.critfc.org/text/wana_w09.pdf)



exponentially without commensurate increases in BIA base funding capacity. For example, the tribes' leadership in addressing Pacific Lamprey declines is this species' best hope for survival and recovery. The Tribes are taking the lead in developing needed lamprey management plans. The tribes are also addressing unmet mitigation obligations, such as fish losses associated with the construction of John Day and The Dalles dams.

Public safety continues to be a high priority for CRITFC and the four tribes. Tribal law enforcement infrastructure is a necessary component of fisheries management. Tribal infrastructure needs include additional conservation officers, tribal code improvements, courts and prosecutorial capacity increases, and modern detention facilities. CRITFC conservation officers are also the cornerstone of the search and rescue, and subsequently recovery efforts. In the popular and heavily used Columbia Gorge they provide the most continuous on-river presence for both the tribal and non-tribal community who depend on the river for commercial, cultural and recreational opportunities.

The Columbia River in lieu and treaty fishing access sites were authorized by Congress to fulfill the promises beginning in 1939 when the U.S. Government built the first of four federal dams that flooded traditional fishing sites and villages on the lower Columbia River. After nearly 70 years, 29 sites are in place with two more sites slated for completion in 2011 thereby fulfilling the government's pledge. Eighteen of the sites are along the Washington shores of the Columbia River between Bonneville and McNary Dams. Tribal fishers from the four tribes use the sites to support their harvest for ceremonial, subsistence and commercial purposes. The sites vary with improvements including boat launches, fish drying sheds, fish cleaning stations, and camping facilities.

Compounding the challenges in implementing tribal fish management agreements are the impacts that climate change will have on the interior Columbia Basin and the tribe's treaty resources. The University of Washington Climate Impact Group predicts new challenges to salmon management due primarily to thermal effects and runoff timing changes. The CRITFC is being asked to develop mitigation and adaptation strategies on behalf of our member tribes. CRITFC and its member tribes currently have insufficient funds to do the technical work and allow policy-level participation in the co-management arena.

The funding provided through the BIA to support tribal fishery programs is crucial to the tribes' and CRITFC's ability to successfully carry out tribal rights protection, including these agreements, by providing sound technical, scientific and policy products to diverse public and private forums. Lost buying power through rising costs, inflation and lack of pay-cost adjustments to tribal funding has further challenged us to deliver these essential services.

**U.S./Canada Pacific Salmon Treaty under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation:** For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of \$4,800,000 for BIA.

The U.S. and Canada entered into the Pacific Salmon Treaty in 1985 to conserve and rebuild salmon stocks, provide for optimum production, and control salmon interceptions. The treaty

established the Pacific Salmon Commission (PSC) as a forum to collaborate on intermingled salmon stocks. The U.S. Section of the PSC annually develops a coordinated budget for tribal, state and federal programs to ensure cost and program efficiencies. Congress increased funding in 2000 in order to implement the 1999 Agreement but funding has significantly eroded since then. In 2008, the U.S. and Canada adopted a new long term Treaty agreement after nearly three years of negotiations. Both parties agreed to significant new management research and monitoring activities to ensure the conservation and rebuilding of the shared salmon resource

The \$4,800,000 provides for direct tribal participation with the Commission, panels and technical committees. The funding enables the tribes to assist in Treaty implementation and facilitates management protecting trust resources. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities. We are seeking to restore this capacity through reprogramming existing BIA funds in a manner consistent with policy and law. The FY 2011 recommended level for this program is an increase of \$680,000 over the FY 2010 enacted level. The recommendation follows the US. Section's recommendation, includes pay cost adjustments and brings the program back in line with previous levels of participation.

Pacific Salmon Treaty obligations add significantly to the tribes' administrative management, and research responsibilities. To effectively implement the treaty, tribal representatives must meet frequently to review technical information and develop informed policy input for use by the tribes' Pacific Salmon Commission representatives. These treaty-mandated responsibilities result in additional expenses for the tribes. Because each of the 25 tribes covered by this funding source is a separate government and manages its own fisheries, these obligations require direct tribal involvement.

The tribal management programs provide needed and beneficial and technical support to the U.S. Section. The Pacific Salmon Commission relies heavily on the various technical committees established by the Treaty. The work of these Committees is integral to the task of implementing fishing regimes consistent with the Treaty and the goals of the Parties. Numerous tribal staff appointed to these committees and all of the tribal programs generate data and research to support their efforts. For example, indicator stock tagging and escapement monitoring provides key information for estimating the parties' annual harvest rates on individual stocks, evaluating impacts of management regimes established under the Treaty, and monitoring progress toward the Chinook rebuilding program started in 1984.

**In summary**, through combined efforts of the four tribes supported by a staff of experts, we are proven natural resource managers. Our activities benefit the region while also essential to the U.S. obligation under treaties, federal trust responsibility, federal statutes, and court orders. We ask for your continued support of our efforts. We are prepared to provide additional information you may require on the Department of the Interior's BIA budget.

CRITFC Staff Contact: Charles Hudson, (503) 731-1257, ([hudc@critfc.org](mailto:hudc@critfc.org))

Mr. MORAN. Nice job, Mr. Oatman. Well done. That is the model. Nice going. Thank you very much. He does deserve a hand there.

John Antonio, the Governor of Pueblo of Laguna in New Mexico. We may be able to fit this one in, but we are now out of time to go vote.

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THURSDAY, APRIL 15, 2010.

## **PUEBLO OF LAGUNA**

### **WITNESS**

#### **JOHN E. ANTONIO**

Mr. ANTONIO. Good afternoon, Mr. Chair and members of the committee. I thank you for the opportunity. My name is John Antonio, Sr. I am the Governor of the Pueblo of Laguna, New Mexico, a little bit west of Albuquerque, and on behalf of our 8,300 member strong I bring our greetings.

I know there is a lot of needs, and we have a lot of needs, and of course, you have heard them from the different tribes. So it is going to be part of the written records I understand, but, again, health, education, roads. I mean, those are all needs, and one of the basic things I just want to leave you with is right now we have a trust litigation that is still pending. You know, we hate to spend taxpayer money and our own money to fight each other.

So I would just encourage you to encourage the Department of Justice, the Department of the Interior to please settle these trust litigations. You know, we have the world's largest open-pit uranium mine, and we have been dealing with this for 57 years. We did our part to provide uranium resources, and the royalties that came to us were mismanaged by the Federal Government. They lost a lot of value. So right now we have calculated what they are worth today, and we would just like the government to be honorable and fair and give us our just compensation.

[The statement of Mr. Antonio follows:]

**STATEMENT OF GOVERNOR JOHN E. ANTONIO, PUEBLO OF LAGUNA  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,  
ENVIRONMENT, AND RELATED AGENCIES ON NATIVE AMERICAN ISSUES**

April 15, 2010

Mr. Chairman and members of the Subcommittee, I am pleased to be here today to discuss Interior appropriations regarding tribal infrastructure, the BIA Laguna Agency, and tribal trust litigation. I want to thank the Chairman and the members of this Subcommittee for scheduling this hearing to consider Indian Country issues, an important part of the appropriations process.

**Introduction to the Pueblo of Laguna**

The Pueblo of Laguna, is a federally recognized sovereign Indian Tribe with a current tribal enrollment of 8,132 members. Laguna is comprised of 6 rural villages located on a 500,000-acre reservation in New Mexico. The Pueblo has a long history of modern governance; it was the first of the New Mexico's nineteen Pueblos to adopt a written Constitution, in 1908. The Laguna government has adopted legislation and policies since 1908 that guide us in every aspect of both traditional and cultural life. Laguna has grappled with decreasing federal funds and has taken on increased sovereign roles and self sufficient approaches.

The Pueblo's Constitution provides guidance for Laguna's elected Governor, Staff Officers, and Council, who govern the Pueblo. The Constitution provides for Executive, Legislative, and Judicial branches of government. Each of the Pueblo's six villages elect local officials, staff officers, and representatives on the Pueblo's governing Council. Community participation in Village meetings is mandatory and key to developing community driven policies.

The Laguna reservation borders to its east New Mexico's largest metropolitan area, which includes Albuquerque and Rio Rancho, one of the most rapidly growing cities in the United States. The Pueblo's proximity affords both challenges and opportunities that are increasingly demanding efficient and rapid governmental responses and the development of complex intergovernmental and private collaborations and negotiations.

The Laguna government employs approximately 250 individuals and provides extensive services to meet the needs of an economically divergent and growing tribal population. The Laguna population growth is estimated as high as 44% by year 2030. The Laguna government provides services that are organized into the following departments: (1) Community Health & Wellness; (2) Environmental & Natural Resources; (3) Public Works; (4) Public Safety; (5) Administrative Services; (6) Judicial Services; and (7) Education.

Within these departments, the Laguna Utility Authority is responsible for the development, maintenance and operations of water and wastewater infrastructure, including three water systems serving six villages. It provides solid waste residential and commercial services, including a transfer

station. Laguna Housing Development and Enterprise Management provides both low and moderate income housing and financial services to the Pueblo, as it constantly works to develop additional homes to meet increasing demand and address issues of overcrowded and inadequate housing throughout the Pueblo. The Laguna Department of Education administers pre-school through junior high education and an active Partners For Success and education scholarship foundation. Laguna Rainbow Center is a full service retirement and nursing care facility serving our elder community as well as nearby tribes.

#### **BIA Laguna Agency Additional Funding Needs**

- New office building and furnishings, as current facilities are condemned, unhealthy, and unsafe. The Office of the Special Trustee (OST) also requires office accommodations for three employees and requests that their staff be housed in the same facility as the Laguna Agency. The Agency requires space for a total of 43 employees. Using the Department of the Interior's mandate of 200 square feet per person; the total amount of space required is 8,600 square feet;
- \$78,000 for a new Superintendent, which position has been vacant for more than four years, and a secretary;
- \$50,000 to cover a funding shortfall for one of the three existing administrative services FTEs responsible for planning, budget, finance, management, contracts, and trust funds management;
- \$60,000 for a GS-5 Forestry Technician and related expenses, to inventory, protect, conserve, develop, and utilize Laguna forest resources and assist in forest and fire management programs;
- \$50,000 for a GS-5 Realty Assistant and related expenses, to address needed tasks and research for management of approximately 500,000 acres of Laguna trust lands;
- \$20,000 for six months of funding for a Legal Administrative Specialist, to fill a position that has been vacant for over a year, to prepare and submit probate cases to the Office of Hearing and Appeals for heirship determinations and to implement the American Indian Probate Reform Act.

The specific dollar amounts add up to \$258,000, not including the new building funding request.

#### **Pueblo of Laguna Additional Funding Needs**

The Pueblo of Laguna has approximately \$301 million worth of outstanding capital projects, with a funding shortfall of \$260 million. Some of the greatest expenses and greatest needs are for basic water and sewer infrastructure. A recent preliminary engineering report estimated a cost of \$24 million to upgrade the water system, which was constructed forty years ago. Improvements will include well repairs, water tank replacement and repairs, water line replacement, valve replacement, and installation of a supervisory control and data acquisition system. These improvements will drastically reduce what are now frequent water line breaks and unpredictable drops in pressure, and will ensure that community members have consistent safe drinking water supplies. Another current report estimated a cost of \$36 million to upgrade the sanitary sewer system to ensure human health and environmental protection. Sanitary sewer projects would include replacement of sewer lines, upgrades to sewer lagoons, and construction of a wastewater treatment facility to meet existing and future demands.

The Pueblo has an approximately \$35 million shortfall in transportation infrastructure needs, including redesign and replacement of an unsafe interstate interchange adjacent to an elementary school access road. The budget includes inadequate funding for maintenance of all 27,527 miles of BIA owned roads. Other critical capital needs include an early childhood education campus with facilities for pre-school through grade 8, for a cost of \$57 million, and a new justice center, integrating police, courts, and detention, for a cost of \$19 million. Both facilities would replace buildings recognized by federal agencies as unsafe. The Pueblo also is in dire need of a behavioral health and social services facility to offer services that had been provided out of what are now condemned buildings, for a cost of approximately \$2 million.

The Indian Affairs budget does not include funding for construction of new schools. Although some tribal schools received funding through ARRA, others, including the Pueblo of Laguna, did not. Additional funds are needed for construction of new schools including a new elementary school. Schools located on our tribal lands are in disrepair.

The Laguna Fire Department, one of only three native professional fire departments in the state, has requested \$3 million for a 10,000 square foot fire station, possibly combined with an Emergency Operations Center, and \$1 million to increase fire and EMS staffing along with necessary apparatus, equipment and housing.

We recommend that an increased portion of funding for youth in Natural Resources go towards Tribal Youth, who are increasingly losing their connection to the land. We also recommend that a portion of the USFWS budget now in permanent appropriations go directly to tribes for their tribal fish and wildlife programs, rather than needing to go through the state to receive these funds.

Additional law enforcement and detention positions are needed to meet the recommended staffing ratios outlined in program reviews conducted by BIA. In addition to increased funds for salaries and benefits, funds are needed for operational costs for both law enforcement and detention.

The New Energy Frontier Program supports renewable energy programs on tribal lands. The Pueblo of Laguna has substantial renewable energy resources in the form of solar energy. However, given the high costs of developing renewable energy infrastructure, additional funding is needed.

The Climate Change Adaptation Program supports tribal and Bureau of Indian Affairs participation in Landscape Conservation Cooperatives. Given the potentially devastating impacts of climate change on tribal lands and cultures, it is critical that Laguna and other tribal governments be able to participate in these efforts. Additional funds are needed to support broader participation.

The Environmental Protection Agency proposed budget reflects a decrease of \$200 million in the Clean Water State Revolving Fund and Drinking Water State Revolving Funds. In the water starved southwest, protecting water quality and human health through the provision of clean and ample water supply to its people is of primary concern. Tribes are eligible for these funds, which can support critical infrastructure projects. Funding should not be decreased.

Allocation of funds for superfund sites located on Tribal lands should be upgraded to the same priority level as for superfund sites located on Federal/State lands. Hazardous waste sites, whether they are listed as Superfund sites or not, have a dramatic and negative impact on the surrounding communities funding for restoration of impacted lands should not decrease. Funding for maintaining healthy ecosystems should not be reduced. The health of these ecosystems that surround our communities has direct and indirect impacts on the health of the community.

#### **Trust Litigation Concerns**

The Pueblo of Laguna urges the United States to utilize appropriated funds to quickly and honorably settle approximately 100 pending tribal breach of trust cases rather than using those funds to endlessly prolong litigation, including by discovery delays and by wastefully reasserting long-settled arguments. The Pueblo of Laguna has proposed a sound fiscal damage calculation methodology based on established requirements to avoid evidentiary problems and facilitate prompt, fair resolution of these cases.

President Obama has committed that “we are going to move forward in a fair and honest way” and “work together to settle unresolved cases” (Crow Nation, May 19, 2008). He is “committed to resolving equitably with both tribes and individual Indians litigation resulting from the past failures in the administration and accounting of their trust assets.” (2008 candidate position paper). In addition, Secretary Salazar has testified that “I am committed to ensuring that the Dep’t of Interior fulfills the trust responsibility of the United States. I will also seek to resolve the unending litigation about management of these lands and assets.” (before Senate Indian Affairs Cmte., Feb. 12, 2009).

The President’s budget requests directed in part to resolving pending tribal breach of trust cases include \$27.5 million for tribal trust accounting at DOI’s Office of Historic Trust Accounting, \$13.5 million for DOI’s Office of Trust Records to (inadequately) index inactive records sent to the American Indian Records Repository (“AIRR”), and a portion of \$68 million for the DOI Office of the Solicitor for its Indian Trust Litigation Office that is staffed by 24 attorneys.

Indeed the following statements that Congress has made about settlement of the *Cobell* lawsuit readily apply to pending tribal trust lawsuits. “Congress has long been concerned that the current and potential costs of the *Cobell* lawsuit may jeopardize DOI trust reform implementation, reduce spending on other Indian programs, and be difficult to fund.” CRS Report for Congress, Interior, Environment, and Related Agencies: FY2009 Appropriations 40 (April 25, 2008). “The [Interior Appropriations] Committee believes that these funds would have been better used to fund greatly needed health care, law enforcement and education programs in Indian country. . . . The Committee strongly suggests that the parties settle trust litigation in its entirety and finally move on to focus on the more pertinent needs in Indian Country.” H.R. Rep. No. 110-187, at 80 (2007). “Indian country would be better served by a settlement of this litigation than the expenditure of billions of dollars on an accounting. Those billions would not provide a single dollar to the plaintiffs, and would without question displace funds available for education, health care and other services.” H. R. Conf. Rep. 108-330, at 117 (2003). Thank you for your consideration of this testimony.

Mr. MORAN. I think we would like to see that be the case as well. We are not going to be able to resolve that in the Appropriations Subcommittee, but it is important to bring that to our attention. Thank you very much, Governor.

Mr. ANTONIO. Thank you.

Mr. MORAN. And now we have to——

Mr. ANTONIO. I appreciate it. Thank you.

Mr. MORAN [continuing]. Run off to vote now. We will try to get both votes in, and then I will try to be back hopefully either Mr. Simpson or Mr. Cole or either one. We are going to work with Mr. Olver and see if we cannot figure out a way to play tag team here and get as many witnesses as possible.

And we also got the Director of the Indian Health Service, but I think at this point we are probably going to have to run over. The time expired a couple minutes ago.

[Whereupon, the subcommittee recessed, to reconvene the same day.]

Mr. MORAN. Thank you. We are going to try to get the rest of the testimony in before the next vote.

The next person to speak would be Rodger Martinez, the President of the Ramah Navajo Chapter of the Ramah Band of Navajos in New Mexico.

Sir.

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THURSDAY, APRIL 15, 2010.

## **RAMAH NAVAJO CHAPTER OF THE RAMAH BAND OF NAVAJOS**

### **WITNESS**

#### **RODGER MARTINEZ**

Mr. MARTINEZ. Mr. Chairman, thank you very much and the committee if they are here. I have a three, four things.

The first request we are looking at is the detention facilities. Through the ARRA funding we received \$3.8 million. It is going to be constructed by the year 2011. We are looking at an operating fund of \$941,000 that we want to see if we can have that included in the Bureau funding and also reoccurring funds from there on.

And also we are looking at the Natural Resource Facilities that we have that needs to be completed with \$400,000 and then \$200,000 of reoccurring funds for operations.

And the other unmet need is infrastructure for a real estate program that we have. Currently our building is situated in an emergency flood zone, and it has been flooded several times, and it does not really look good. We have been infested by other things as far as we had a bull snake that came in and we lost it in the building somewhere. Those are some of the things that we have been dealing with.

And the last one, that was the third, and the fourth one is Congress passed a jobs bill here recently, and it does not do much the way the bill was passed. You know, it does help a lot of business people in situations where they, mainly the roads and the small business areas, but it really does not reach the grass root areas



where it puts a workforce together. And we can go as far back as Depression era. So that, and you know, having some money go across for the Marshall Plan and the WPA at the time. We need to do something like that and put people back to work on the reservation.

On the reservation our unemployment is very high; 60 percent, and now we had two suicides since January, and some of it is attributed to that, and it is a depressing situation, no jobs, and people have kids, and they cannot afford to make a living in situations like that, and nowadays it is high tech, and everybody cannot land a job that is high tech, and that is one of the big issues that we are facing on the reservation. Not only in Ramah but all the reservations. And this is some of the things that we face.

I hope the committee will understand our needs and be able to afford us in this request that we have for you today.

[The statement of Mr. Martinez follows:]

**RAMAH NAVAJO CHAPTER**

**Roger Martinez**  
President

**Frank E. Paul**  
Vice-President

**Dixie Begay**  
Secretary/Treasurer

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**Cecil F. Erlacho**  
Council Delegate  
Navajo Nation Council

**Roy C. Martinez**  
Eastern Navajo Land  
Board Member

**Testimony of Rodger Martinez, President  
Ramah Navajo Chapter-Ramah Band of Navajos**

**Submitted to the US Congress  
House Appropriations Subcommittee on Interior, Environmental and Related Agencies  
Regarding the FY 2011 Bureau of Indian Affairs Budget (BIA)**

Mr. Chairman and Members of the Subcommittee:

My name is Rodger Martinez, President of the Ramah Band of Navajos. I am pleased to present this testimony on the Department of the Interior-Bureau of the Indian Affairs FY 2010 Budget. My testimony today focuses on the need for additional appropriation of **\$1,821,000.00** for FY 2011 to address the unmet needs of the Ramah Navajo Community as follow:

- 1) **REQUEST: BIA Funding for the Operation of the Detention Facilities \$941,000.00**
  - a) For Increase in FY-2011 funding to the Ramah Navajo Chapter's Correctional Facility for the operation and maintenance of the correctional facility.
  - b) That it be made part of the recurring funds under the Ramah Navajo Chapter's annual funding agreement (AFA) with the Bureau of Indian Affairs.
- 2) **REQUEST: BIA Funding for Natural Resource Training Facilities.\$600,000**
  - a) Funding to complete the Agricultural complex in the amount of \$400,000, and
  - b) Increase staffing and operation in the amount of \$200,000 and becomes part of recurring fund with the Bureau of Indian Affairs.
- 3) **REQUEST: BIA Funding for Real Estate Unmet Infrastructure needs:\$255,000.00**
  - a) Four (4) Fire Proof Filing Cabinets: \$5,000.00
  - b) Real Estate Services Building; 4-5 office space, meeting & filing room: \$250,00.00
- 4) **REQUEST: For Congress to initiate more funding opportunities for workforce development such as On the Job Training and job skill development.**

**Introduction:**

The Ramah Band of Navajos is located in west central New Mexico, geographically separated from the Navajo reservation with a population of approximately 3,500 members. The community

consists of approximately 18 X 30 miles of "checker board" land status that includes trust land and private land. The Ramah Navajo community is surrounded with approximately 900 non-Indian residents throughout the community. The Ramah Navajo Chapter is one of the 110 chapters that make up the larger Navajo Nation. Due to its geographical location, in 1984 the Ramah Navajo Chapter with the authorization of the Navajo Nation successfully contracted and operates a number of programs under P.L. 93-638 Indian Self Determination and Education Assistance Act including; Natural Resources/Agriculture, Forestry, Law Enforcement/Detention, Real Estate Services, Transportation, Facilities Management, and Water Rights and Community Planning programs. The Ramah Band of Navajos has been successfully contracting these and other educational and health programs for over 30 years in which time a government to government relationship has evolved and is recognized by the Federal government as such.

#### **1. Detention Facilities:**

The current detention facility was constructed in 1975 with State of New Mexico LEA funds, as a temporary holding facility. It is a tribally owned building so no operations and maintenance dollars are received from the Bureau of Indian Affairs. The facility is comprised of approximately 2,384 sq. feet, which includes male and female cell, dispatch room, kitchen, booking room and three administrative offices. Due to a consent decree issued against the Navajo Nation jail facilities inmates from our community are no longer accepted which has forced us to house long term inmates only on short term basis. This created overcrowding of inmates and according to BIA Standards for Adult Detention facility we were only allowed to hold four (4) male inmates and two (2) female inmates. There are no secured cells for segregations, detoxification, visitation or recreation. Based on this the Ramah Navajo Chapter submitted the TARP Recovery Act Correctional Facilities proposal to the Department of Justice and was awarded a grant of \$3.8 million on September 21, 2009. A new detention facility will be built by 2011 and will need to be staffed by certified corrections personal. We will have a 24/7 schedule to maintain the facility and need to accommodate the staff training and leave requests.

#### **5) REQUEST: BIA Funding for the Operation of the Detention Facilities \$941,000.00**

- a) *For Increase in FY-2011 funding to the Ramah Navajo Chapter's Correctional Facility for the operation and maintenance of the correctional facility.***
  - i) *Increase detention staff based on projected staffing needs of new corrections facility: Ten (10 FTE) Corrections officer, 2.5 cooks, One (1 FTE) full time Detention Director Position to oversee all detentions facilities and operations. Training, equipments, supplies for new detention officers and food for inmates.***
- b) *That it be made part of the recurring funds under the Ramah Navajo Chapter's annual funding agreement (AFA) with the Bureau of Indian Affairs.***

#### **2. Funding for Natural Resource Training Facilities.**

The Ramah Navajo Chapter has initiated a plan to establish a Ramah Navajo Chapter Agriculture Center within the Ramah Navajo community. The purpose of the facility is to centralize

education through trainings and workshops by bringing together various instructional resources on livestock and agriculture. The Ramah Navajo Chapter will re-assess production goals factoring in cultural and economic values and opportunities, develop quality and uniformity in livestock, re-assess our land uses and develop plans to accommodate our future plans. Intangibly, this facility will add value to livestock and agriculture production. This emphasizes the fact that raising livestock and living off the land are just as important to the Ramah Navajo people today, and in the future, just as it was in the past. The Navajo traditional lifestyle has always promoted "Green", incorporating its agriculture and livestock best practice measures that will protect and conserve "Mother Earth". With better education through training and workshops, the community members will benefit by relearning to live a healthy lifestyle through raising and producing a majority of their own food and meat for their families and others.

There are over 3000 Ramah Navajos, and another 2000 Navajo and other tribes and up to 1000 non-natives that will benefit from this project. Many of them have come to workshops and trainings that are done on a small scale due to lack of proper facilities. The ranchers will greatly benefit from this program, as they will implement better management system of their herd. The staff will be able to incorporate a better tracking system for all the groups they work with; including the 4H Club, the Pine Hill Schools FFA, the Healthy Gardening Program and the elders who have worked alongside youth in teaching traditional practices.

***Funding request is in two folds totaling \$600,000.00***

***(1) A onetime request to complete the Natural Resource Training facilities in the amount of \$400,000.***

***(2) Reoccurring funding to increase staffing and operation for the Natural Resource Program in the amount of \$200,000.***

### **3. Real Estate Unmet Infrastructure Needs:**

The Ramah Navajo Chapter, Office of Grants and contracts and Restate Services Program worked to meet the demands and mandates of the Trust Management Reform initiative within the Bureau of Indian Affairs and Office of Special Trust. New positions were identified in 2004 and hired in 2004; however, due to lack of additional funds to cover the new positions, two were unable to continue beyond 2004. Ramah Navajo is requesting for additional funding to fulfill its obligation to the landowners, governmental entities, and private individuals for realty services. This request includes additional funding for a new building that shall be secured to prevent fire and theft of new and original trust records. We are sharing this building with another program and we are very overcrowded leaving no room for confidentiality, no filing or meeting room. Our current building is rodent infested due to shifting and cracking foundation which also allows reptiles to crawl into the walls of the building.

#### ***1) Funding Request for Real Estate Unmet Infrastructure needs:***

***a) Four (4) Fire Proof Filing Cabinets: \$5,000.00***

***b) Real Estate Services Building; 4-5 office space, meeting room & filing room: \$250,00.00***

**4. For Congress to initiate more funding opportunities for workforce development such as On-the-Job Training and job skill development.**

The American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law a year ago to provide funding to stimulate the economy and create jobs throughout the nation. While it may have created 2.4 million jobs credited to the Recovery Act, the reality of the matter is that Indian country continues to suffer high unemployment rate and Ramah Navajo continues to experience decades of unemployment rate as high as 70%.

The Ramah Navajo Community was fortunate and thankful to receive some stimulus funds for infrastructure development, but unfortunately it has not created sustainable employment or economic opportunities in our community. The poverty level is high in our community due to unemployment and as Tribal leaders of Ramah Navajos; we are faced with the challenges of assuring the basic needs of our community members are provided as much as possible especially to those that are depended upon federal assistance programs.

The Ramah Navajo Community does not have the resources or other revenue streams to rely on that other Tribal communities may have. Historically we have been underfunded for our education, health, housing and infrastructural development and we continue to largely rely on the State and Federal government as our only funding source.

**As President of Ramah Navajo Chapter I urge Congress to initiate more funding opportunities for workforce development such as On-the-Job Training and job skill development.**

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In closing, the Ramah Navajo Chapter is very proud to have been initially involved in Indian Self-Determination strives by establishing the Ramah Navajo School Board, Inc., which has been operating successfully in the true spirit of Indian Self-Determination for 40 years now. The Ramah Navajo Chapter appreciates the continued support of Congress as it strives to make funding and laws available for Indian Nations and their organization to provide services to their people. We would be happy to provide you with further information on any of the foregoing projects.

Respectfully Submitted:



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Mr. MORAN. Thank you. Which money are you talking about that was so disappointing to you? Which agency?

Mr. MARTINEZ. The Southwest Region. We are with the Navajo Nation, but our fundings are going through the Southwest Region because that is where we usually receive our monies with the Southwest Region in Albuquerque.

Mr. MORAN. All right. Well, thank you very much, Mr. Martinez. Thank you for your testimony. Thanks for being here with us. We appreciate it. Thank you.

Dr. Dale Walker is the Director of the One Sky National Resource Center for American Indian/Alaska Native Substance Abuse Services on behalf of the Friends of Indian Health in Oregon. Sir.

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THURSDAY, APRIL 15, 2010.

**ONE SKY NATIONAL RESOURCE CENTER FOR AMERICAN INDIAN/ALASKA NATIVE SUBSTANCE ABUSE SERVICES ON BEHALF OF FRIENDS OF INDIAN HEALTH**

**WITNESS**

**DR. DALE WALKER**

Dr. WALKER. Hello, there, and thank you very much for a chaotic day, and I appreciate the fact that you came back to help us work through the process. My name is Dale Walker. I am a member of the Cherokee Tribe from Oklahoma. I am also a psychiatrist. I work with the University of Oregon and have a center there called the One Sky Center. As a part of that center we provide consultation and technical assistance across Indian Country. We average about 50 tribes a year that we work with, and so part of my experience has to do with working behavioral health, especially addictions, methamphetamine, alcohol, depression, domestic violence, suicide. Not what you call the easy things to deal with in Indian Country. They are all elevated, they are all remarkable issues and problems.

What we want to talk about today is the fact that I am here representing the Friends of American Indian Health. That is a unique organization, because it has voluntarily come together to advocate and help support Indian issues, and I am certainly honored to be here on their behalf.

They come here with two issues of major concern. One has to do with contract health services as a piece of the solution for Indian healthcare. Now, Indian healthcare is a remarkable phenomenon. Your committee advocated and supported special facets, especially for meth and suicide, last year, and we thank you for that process.

This year there is an increase of just under 9 percent of the budget now to about \$4.8 billion. The contract healthcare part of that budget covers the chronic illness care that the primary healthcare clinics of the Indian Health Service do not administer or have the staff to support. They contract that out to local community, private practitioners, and such.

Their needs are estimated to be \$400 million short. That would help solve the problems of the contract care. Let me just mention

to you, if you are an American Indian, and you happen to have an illness that requires longer-term care, could be diabetes, could be cancer, could be heart disease, if the funds could run out in the first six months of a fiscal year, the last six months there are no funds, and so care is denied. 35,000 times in 2008.

When that happens, the care is just delayed and spilled into the next year, so prevention intervention for chronic illness does not happen. So the idea is to provide the contract care services, build your prevention programs, and help these systems work. I can tell you that is a very, very critical element.

The next issue is how do you deal with the lack of recruitment, the vacant positions within the Indian Health Service. There are over 900 vacant positions within the Indian Health Service, and one way of dealing with that is funding. In funding the workforce and providing to do retention support for people who have bills for their healthcare payments has worked in the past. It is estimated that another \$14 million would be very, very useful. I do not think that is a lot of money to try to recruit and bring more people into the Indian Health Service.

When people are involved in recruitment and retention by pay-back of their healthcare, that has been shown to increase their retention considerably, and so we think that that is a good way to go.

The other thing that is happening is the friends themselves are helping to develop an advocacy package for recruitment of more people into Indian healthcare. I just want to take the moment and tell you that I am excited about what is happening in the Indian Health Service. I think that the movement towards increases in funding, the attention to care is absolutely critical and will empower Indian people to be much more involved in their care. If we can figure a way for interagency coordination between Indian Health Service and Bureau of Indian Affairs to help pursue that, I think it will be a major breakthrough. Frankly, the way I saw your committee work is a model for what needs to happen.

[The statement of Dr. Walker follows:]

### **FRIENDS OF INDIAN HEALTH**

Good Morning Chairman Moran, Ranking Member Simpson and Committee Members. I am Dr. Dale Walker a practicing psychiatrist and Professor of Psychiatry, Public Health and Preventive Medicine at Oregon State University. Currently, I am the Director of the One Sky Center at Oregon State University whose mission is to improve prevention and treatment of mental health and substance abuse problems and services among Native people. I am also a proud member of the Cherokee nation. I have witnessed first-hand both the importance and challenges of the Indian health care system.

The negative consequences of alcohol use in Indian Country are severe.

Suicide is extraordinarily high in some tribal communities and devastating throughout Indian Country. I have personally witnessed these consequences: For example, I have been assisting the Nez Perce Tribe of Idaho on the problem of suicide.

Methamphetamine is also of great concern in Indian Country. The One Sky Center is working with ten tribal partners that include tribes from Washington (Yakama), Arizona (4 tribes – Navajo, San Carlos Apache, Salt River & Gila River Pima), and Oklahoma (Choctaw) on prevention and treatment of methamphetamine abuse.

To maximize the effectiveness of these alcohol, suicide prevention, and anti-methamphetamine services, a thorough evaluation should be undertaken. Currently, services are inadequate to resolve disparities in health status for American Indians & Alaska Natives.

Today I am representing the Friends of Indian Health – a coalition of over 50 health organizations and individuals dedicated to improving the health care of American Indian/Alaska Natives (AI/ANs) to the highest levels.

The Friends thanks you, Mr. Chairman and the Committee, for the additional IHS funding secured in the FY 2010 appropriations bill. The increased support will help provide needed services especially for contract health services, domestic violence and methamphetamine and suicide prevention and treatment programs.

The Friends is heartened that the Administration has proposed an 8.7% increase for FY 2011 for the IHS for a total of \$4,406,429,000. This is a recognition of the great need that still exists to close the gap in disparity of disease and care for AI/AN people. However, there are still high priority areas that we believe have not been addressed and therefore recommend a budget of \$4,820,000,000.

The most urgent outstanding need of AI/ANs is contract health services. Patients requiring cancer treatments, surgeries, treatment for injuries and additional mental health services need medical care that cannot be provided in IHS or Tribal facilities. In 2008, 35,000 health care needs were denied costing over \$130 million.



The root cause for this situation lies in the IHS and Tribal delivery system. The IHS and Tribes operate at approximately 700 locations, which include 45 hospitals, only 19 of which have operating rooms. The majority of facilities mainly provide primary medical care and they must depend on the private sector for secondary and tertiary care. The need to rely on private care is not going to change; therefore, the request for contract health services funds needs to be realistic. The Administration's budget would raise this account to over \$862 million but even that amount only covers 23% of denied cases. **The IHS estimates that it needs an additional \$1.2 to \$1.6 billion to cover needed contract health services a year. To reach that goal, the IHS needs an additional \$400 million above the President's request.**

The Friends has for many years advocated for additional funding for prevention and early treatment programs to reduce the need for contract health services. But to implement them, the IHS has to have a sufficient health care provider workforce. Currently, the IHS has 927 vacancies. This number does not include direct tribal numbers.

Filling vacancies through loan repayment has proven to be the IHS' best recruiting and retention tool. Last year the IHS had 917 requests and awarded 426 new contracts and 197 one year extensions. We are pleased to see that almost 200 providers wanted to continue their IHS service beyond their original loan repayment obligation because this helps to build a steady workforce and provides continuity for the people they serve. In fact, last year the IHS reported that the average retention period for loan repayment recipients was over 7 years.

However, within these numbers are some disappointments. The IHS had to turn away 181 applicants. The Service needed an additional \$9.3 million in loan repayment funds for those awards. Furthermore, to fund the 623 contracts they used an additional \$5 million from the hospitals and clinics account. For FY 2011, the Administration has requested only an additional \$670,000 for loan repayment – clearly not enough to cover all requests. **The Friends requests an additional \$14 million for the loan repayment account to allow the IHS to hire and keep needed health care providers.**

Before loan repayment can be offered, dedicated, qualified health care professionals have to be recruited. While some of the IHS divisions are very effective at recruitment others are not. Equally disturbing are reports that interested candidates are not pursued by the Service or, once interviewed and accepted, are not readily processed. Anecdotal accounts claim that delays in hiring can take up to six months and, as a consequence, qualified personnel take positions outside the IHS. A year ago, we raised this issue with the committee and we continue to be concerned. The Friends strongly believes that if the recruitment process were improved that it would have a positive effect on filling vacancies. **Therefore, we urge the committee to request a report from the IHS detailing current hiring practices and recommendations for streamlining and improving the process.**

IHS also needs a strong network of both clinical and support staff. These are staff members who have completed health education training and are capable of providing needed patient support and health education services. These positions are usually filled by Tribal members, providing a crucial cultural link to patients. However, the salaries offered for some of these positions are below clerical positions; a receptionist earns more than a dental assistant. An experienced nurse

midwife will take a 50 percent pay cut and an experienced nurse practitioner or physician assistant will take a 30 percent cut to work in the IHS. Licensed Practical Nurses (LPNs) in Oklahoma are paid more at Wal-Mart than at an IHS facility.

This situation could be improved if the Office of Personnel Management (OPM) would release its recommendation for a new GS 600 Series pay scale, something it has been working on for seven years. **The Friends strongly urges the Committee to seek a report that determines what is the effect of the outdated 600 series pay scale and what actions by the IHS and OPM are needed to finalize a new pay scale.**

We are pleased to see that the IHS recognizes the problems created within tribal communities by alcohol and drug abuse, and has addressed this issue in this year's budget, by adding \$4 million for a new competitive IHS grant program. The funding will expand access to and improve the quality of treatment for substance abuse at sites with the greatest need. The main goal of the grant program will be to enable Indian Health Service, Tribal and Urban facilities to hire additional staff to provide evidence-based and practice-based culturally competent treatment services. We believe that a key component for making this successful is to engage providers on all levels especially those from within the Native American Community. Without these safeguards, many Native Americans are subject to relapse due to inaccurate diagnosis, poor case management, improper treatment plan, and lack of aftercare plan.

In conclusion, the Friends is encouraged that the Administration is seeking additional funding that will help eliminate health disparities faced by AI/ANs. At the end of our statement we have included specific health statistics that if addressed would reduce the disparity of disease for AI/ANs and lead to cost savings. We encourage the Committee to do what it can to support and go beyond the Administration's FY 2011 budget proposal to assure that the IHS is fully staffed and will allow it to fulfill its mission to "raise the physical, mental, social and spiritual health of American Indians and Alaska Natives to the highest level." The Friends thanks the Committee for the opportunity to testify today. We look forward to working with you to strengthen the IHS health infrastructure and decrease mortality and morbidity rates of American Indians and Alaska Natives.

## APPENDIX A

### Women's Health

- Although AI/AN women across Indian country have lower cancer death rates than U.S. citizens of all races, in Alaska and the Northern Plains, the cancer death rates for AI/AN women are 22% and 42% higher, respectively, than for U.S. citizens of all races.
- The 2002 U.S. prevalence of diagnosed diabetes in women 20 and over was 7.1%. For AI/AN women, it was 15.9%, more than double, the rate. This disease increases complications in childbearing, and elevates the risk that their children will also become diabetic.

### Children's Health

- More than one-third of the nation's AI/AN population is under the age of 15, and the health of these children consistently lags behind other populations. For example, the SIDS rates among AI/AN infants are nearly twice that of the general population.
- AI/AN children are more than twice as likely to die in the first four years of life than the general population, and remain twice as likely to die through age 24.
- The rate of type 2 diabetes among AI/AN teens aged 15-19 has increased 109% since 1990.

### Mental Health

- Poverty is a significant contributing factor toward mental and substance abuse disorders. The poverty rate for AI/ANs in 2001 was 24.5 percent, compared to 7.8% for non-Hispanic whites. The median household income estimate for AI/ANs was \$32,000 compared to \$46,000 for non-Hispanic whites.
- Inadequate mental health and substance abuse services contribute to a suicide rate for AI/AN that is about 1.7 times the rate for all races in the U.S.; the suicide rate for males 15 to 34 years of age is over two times the national rate.
- The suicide rate for Indian people is 60% higher than the general population.
- Studies have shown that 69.9% of all suicidal acts (completions and attempts) in AI/AN country involved alcohol use.

### Kidney Disease

- American Indians have one of the highest rates of chronic, irreversible kidney failure or End Stage Renal Disease (ESRD) of any population. In 2007, the incident rate for Native Americans was 1.8 times greater than that for white Americans.
- Diabetes is the leading cause of all new cases of kidney failure for all Americans, and accounted for 54% of new ESRD patients in 2007 (all Americans). The explosion in the incidence of type 2 diabetes among American Indians is the driving force behind the AI/AN kidney disease prevalence rate.

### Diabetes

- Today diabetes has reached epidemic proportions among AI/ANs. According to 2005 data, 14.2% of the AI/ANs aged 20 years or older who received care from the IHS had diagnosed diabetes. After adjusting for population age differences, 16.5% of the total adult population served by IHS had diagnosed diabetes, with rates varying by region from

6.0% among Alaska Native adults to 29.3% among American Indian adults in southern Arizona.

- AI/ANs carry the heaviest burden of diabetes in the United States, suffering from among the highest rates of diabetes in the world. In some American Indian and Alaska Native communities, diabetes prevalence among adults is as high as 60%.

#### **Podiatric Medicine**

- Lower extremity amputation (LEA) is one of the most disabling complications of diabetes
- More than 60% of non-traumatic lower-limb amputations occur in people with diabetes
- Each year 71,000 people lose their feet or legs to diabetes. Amputation rates among Native Americans are 3-4 times higher than the general populations.
- Comprehensive foot care programs can reduce amputation rates by 45% to 85%. (Source: CDC)

#### **Vision and Eye Health**

- A recent three year study of Navajo people (the largest Native population) revealed that within the prior two years only about 33% had an eye exam and that only 20% had visual acuity good enough to qualify for a driver's license, even with their present eyeglasses.
- With the high rate of diabetes, it is imperative that timely detection and treatment be available in Indian country. Diabetic retinopathy occurs in 24.4% of Oklahoma Indians.

#### **Oral Health**

- 79% of AI/AN children aged 2-5 years had a history of tooth decay
- 78% of AI/AN adults 35-44 years old and 98 % of elders 55 years or older had lost at least one tooth because of dental decay, periodontal (gum) disease or oral trauma.

#### **Pharmacy**

- Pharmacists play an important role in disease state management, particularly the monitoring of patients suffering from diabetes and other chronic diseases.
- Native Americans benefit from the role of the IHS pharmacist which emphasizes proper medication management and improving patient adherence.
- Through the pharmacy residency training program, now in 17 sites, the IHS plays a significant role in the education of pharmacists interested in pursuing careers in the IHS.

#### **Cardiovascular Disease (CVD)**

- While the general U.S. population has seen a 50% decline in cardiovascular mortality, the AI/AN population rates are rapidly and dramatically increasing.
- CVD is the leading cause of death among AI/ANs and is double the rate of the general U.S. population.

Mr. MORAN. Thank you very much, Dr. Walker. We appreciate it. We are going to hear from Dr. Roubideaux in a moment, and they have increased money, and I know they will spend it well, even though the demands are enormous.

Thank you very much.

Dr. WALKER. Thank you.

Mr. MORAN. Next, Jerry Pardilla, who is the Executive Director of the National Tribal Environmental Council, New Mexico. Mr. Pardilla.

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THURSDAY, APRIL 15, 2010.

## NATIONAL TRIBAL ENVIRONMENTAL COUNCIL

### WITNESS

#### JERRY PARDILLA

Mr. PARDILLA. Good afternoon.

Mr. MORAN. Good afternoon.

Mr. PARDILLA. Thank you for the opportunity to be here, Mr. Chairman. In the interest of time I would really like to just highlight, focus on five programs, and they are within the Bureau of Indian Affairs, the Fish and Wildlife Service, and the Environmental Protection Agency.

The underlying perspective that we offer these comments are that tribes have some of the more pristine habitat in the country, and for those lands tribes have been historically under-funded for wildlife and natural resources, management programs, and also for environmental protection programs.

I would like first to draw your attention to the Climate Change Adaptation Initiative. This is a new program. It began in fiscal year 2010, out of the Bureau of Indian Affairs. Now, that first year there was appropriated 136 million, and there were no allocations to tribes. Tribes got zero in the first year.

Mr. MORAN. Go over this again.

Mr. PARDILLA. The Climate Change Adaptation Initiative began fiscal year 2010, in September.

Mr. MORAN. And there were requests but no funding.

Mr. PARDILLA. Zero funding for tribes. And it is not consistent with the disproportionate impacts tribes are experiencing due to climate change and lifestyle and even their very homes if you look to the very well-known villages along the Alaska coast. So zero funding in 2010. In 2011, tribes are only being allocated \$200,000, and we think that this is tragically low, and it is a mere .001 percent of the overall funding for this program, which the Administration is requesting \$171.3 million. So of that in 2011, only \$200,000 for tribes.

We think that a more proportionate amount of funding given that of the 95 million acres that Indian tribes and Alaska Native corporations manage, some 4 percent of the United States total land area, that a more equitable funding would be \$8.5 million out of that Climate Change Adaptation Initiative funding.

Mr. MORAN. We may address that. We may want to address that in the report. Thank you for bringing that to our attention.

Mr. PARDILLA. Thank you, and the next area is the Trust National Resources Program, and we urge you to maintain the 2010 enacted amount of \$175.62 million. This would involve a reinstatement of \$17.2 million, and again, I would like to point out that this fund represents the largest amount of base federal funding for tribal natural resources management.

In 1999, Department of Interior, Bureau of Indian Affairs issued a report that documented more than \$356 million of unmet annual needs, so we are dramatically under-funded, and a reduction would be a further harm.

Moving onto the Fish and Wildlife Service, I draw your attention to the Tribal Wildlife Grants Program. We urge you to consider increasing the funding to \$8.4 million, which would be a 20 percent increase over last year's funding. In 2010, the State and Tribal Wildlife Grant Program received \$90 million, and it is an increase of \$15 million from the year before and approximately 20 percent. We think that tribes should be considered for a 20 percent increase proportional to the increased request.

Moving onto the Environmental Protection Agency, we urge you to preserve the Administration's request for \$32.9 million. This comes in two parts. One is a new \$30 million for Multi-Media Tribal Implementation Program funds. This is a new program. We are not quite sure how this is going to operate at the EPA, but it is new funding, and we encourage you to preserve that.

Along with that is \$2.9 million for capacity building and implementation of that program.

The last part and final point is with the Indian Environmental General Assistance Program, and we encourage you to preserve the Administration's 2011 request of \$71.4 million in the GAP Program.

So with that, sir, that concludes my comments.

[The statement of Mr. Pardilla follows:]

**Jerry Pardilla**  
**Executive Director, National Tribal Environmental Council**

**Testimony on FY 2011 Appropriations**  
**House Appropriations Subcommittee on Interior, Environment & Related Agencies**

On behalf of the National Tribal Environmental Council and our 187 member tribes, we thank you for the opportunity to provide FY 2011 funding recommendations for the Department of the Interior and other agencies under the purview of this Committee.

Founded in 1991, NTEC works with federally recognized tribes to protect tribal environments. NTEC's mission is to support Indian Tribes and Alaska Natives in protecting, regulating, and managing their environmental resources according to their own priorities and values.

Despite having some of the most pristine habitat in the U.S., tribes have been historically underfunded for wildlife and natural resource management and conservation. There are 564 federally recognized American Indian tribes and over 300 reservations in the U.S. Tribes manage 95 million acres of land, 11 million acres more than the National Park Service. Tribal lands contain more than 997,000 acres of lakes, 13,000 miles of rivers, and 18 million acres of forested lands. Tribes operate approximately 114 fish hatcheries, with many producing threatened or endangered fish species. Tribal lands provide vital habitat for more than 525 federally listed plants and animals, many of which are both ecologically and culturally significant to tribes.

**I. Bureau of Indian Affairs (BIA)**

**Department of Interior Climate Change Adaptation Initiative**  
**Increase the Bureau of Indian Affairs' allocation of the Interior Department's Climate Change Adaptation Initiative to \$8.55 million.**

The Interior Department began a Climate Change Adaptation Initiative in September 2009, an undertaking that Indian tribes support in principle. The Administration's fiscal 2011 budget request for the initiative is \$171.3 million, an increase of \$35.4 million over 2010. The \$136 million for the initiative in 2010 did not include any funding for tribes. Despite a substantial increase in the overall funding request, the situation for tribes is nearly as bad in the 2011 budget. Of the \$171.3 million, only \$200,000 goes to the BIA to involve and assist Indian tribes. This is highly inequitable, especially considering the disproportionate effect of climate change on tribes and their homelands. Sovereign Indian tribes deserve a broader seat at the table in the Climate Change Adaptation Initiative and a more equitable share of the funding.

Tribal lands comprise 4 percent of the U.S. land base (tribal lands represent a higher percentage if compared to the federal lands involved in this initiative; tribal lands = 95 million acres divided by 593 million acres of federal land and tribal land = 16 percent). Given that funding for tribal natural resources has been historically underfunded and there is no federal program or funding that specifically supports tribal climate adaptation efforts, **we request that the allocation to tribes via the BIA should be increased to \$8.55 million, or 5% of DOI's Climate Change Adaptation initiative, for tribes to address and adapt to the impacts of climate change.**

To achieve this equitable increase for tribes, the money provided to the various Interior agencies for the Initiative must be reallocated. In addition, the FY 2011 BIA budget included \$19 million for FBI agents, but this does not belong in the BIA budget. While we support additional funding for tribal law enforcement needs, we know that many tribes feel it is inappropriate to allocate the funding in this manner. We suggest that the \$19 million be re-directed specifically for tribal law enforcement programs and to increase funding for tribal climate change adaptation efforts.

#### Trust Natural Resources Program

##### **Maintain FY 2010 enacted amount of \$175.62 million for Bureau of Indian Affairs Trust Natural Resources Program.**

The BIA Trust Natural Resources (TNR) Program represents the largest amount of base, federal funding for tribal natural resource management. Tribes have more than \$356 million of unmet annual needs for natural resource management and conservation.<sup>1</sup> Because BIA spending on natural resources in the last 11 years has been relatively flat compared to inflation and BIA's budget has been historically inadequate to meet the natural resource needs of Indian tribes, their needs have multiplied. In addition, the U.S. Commission on Civil Rights notes, "Native American population needs have increased at a rate faster than inflation, as problems are compounded by years of neglect."<sup>2</sup> Even with the FY 2010 increase to the TNR Program, the annual unmet needs of tribes for natural resource management continue to exist and grow.

The Administration's FY 2011 request is \$17.2 million less than the FY 2010 enacted level primarily due to an \$18.6 million transfer of minerals and mining funding, what has been termed "efficiency savings," and modest decreases and increases to a variety of tribal programs. Due to the significant unmet annual needs for tribal natural resource management and the historic underfunding of tribal natural resource programs, **we request that the aforementioned \$17.2 million be reinstated and provided to BIA TNR Programs** including the Tribal Management and Development Program, Wildlife and Parks Tribal Priority Allocations, Natural Resource Tribal Priority Allocations, Water Management, Planning and Pre-Development Program, Endangered Species Program, and Rights Protection Implementation. As discussed in the previous section, it would also be possible to allocate some of the \$19 million currently proposed for FBI agents to make up for the shortfall in TNR funding for tribes.

#### **II. U.S. Fish and Wildlife Service (FWS)**

##### Tribal Wildlife Grants Program

##### **Increase U.S. Fish and Wildlife Service Tribal Wildlife Grants Program funding to \$8.4 million.**

Unfortunately, tribes are not eligible for funding under federal wildlife and fishery restoration programs such as the Federal Aid in Wildlife Restoration Act (Pittman-Robertson) or the Federal

<sup>1</sup> U.S. Department of the Interior, Bureau of Indian Affairs, *Report on Tribal Priority Allocations*, July 1999, 52.

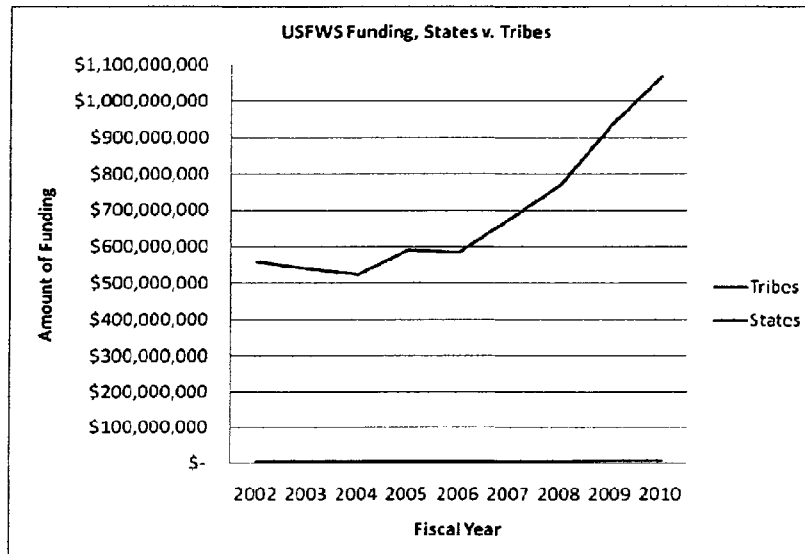
<sup>2</sup> U.S. Commission on Civil Rights, *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country* (Washington, D.C.: U.S. Commission on Civil Rights, July 2003), 11.



Aid in Sport Fish Restoration Act (Dingell-Johnson) that fund activities through an excise tax on hunting and fishing equipment. Although tribal members pay taxes that support this funding, they remain excluded from receiving the benefits and only states are allowed to access them.

In 2002, Congress authorized FWS to provide funding to tribes under the Tribal Wildlife Grant (TWG) and Tribal Landowner Incentive Programs (TLIP). Tribal proposals for support often total more than \$30 million annually. Yet these programs combined have only provided tribes an average of \$7 million dollars annually. With 564 federally recognized tribes, competition is severe and tribes rarely receive sufficient funds to fully support important conservation efforts.

In fiscal year 2007, only 38 proposals out of 110 submitted received funding under the TWG Program. In FY 2003, in the FWS Northeast Region, 9 tribes submitted TWG proposals requesting \$1.4 million, but only 4 were funded for \$481,554 (34% of the requested amount). In FY 2009, FWS only funded 41 TWG proposals out of 101 submitted, awarding \$7 million to tribes with a meager average award of \$170,000. In FY 2010, states received over \$1 billion from the Federal Aid in Wildlife Restoration Act, the Federal Aid in Sport Fish Restoration Act, and State Wildlife Grants programs. Thus, the \$7 million tribes received from the TWG program was less than .007% of the amount states received. From 2002-2010, states received 86 times more FWS funding than tribes for fish and wildlife conservation, or \$6.25 billion for states compared to \$72.2 million for tribes (see chart).<sup>3</sup>



<sup>3</sup> State funding includes the FWS Wildlife and Sport Fish Restoration Programs and State Wildlife Grants. Tribal funding includes the FWS Tribal Wildlife Grants and Tribal Landowner Incentive Program.

Since the inception of the TWG Program in 2002, no more than \$7 million per year has been made available on a competitive basis to the nation's 564 federally recognized tribes. At this low level of funding, very few tribes receive any TWG Program funding; those receiving TWG Program funding typically get very little; and no tribe receives sufficient funding to sustain long-term tribal wildlife and natural resource management efforts. In FY 2010, the State and Tribal Wildlife Grant Program received \$90 million, a \$15 million or 20% increase from FY 2009. Nonetheless, funding for tribes via the TWG Program remained at \$7 million, and continues at that level in the Administration's FY 2011 budget request. Tribes deserve at least the same 20 percent increase; thus we request that TWG Program funding be increased to \$8.4 million.

### **III. Environmental Protection Agency (EPA)**

#### **Multimedia Tribal Implementation Grants Program**

**Preserve the Administration's FY 2011 request of \$32.9 million for the Multimedia Tribal Implementation Grants Program.**

The Administration's FY 2011 budget request for the Environmental Protection Agency (EPA) proposes a new Multimedia Tribal Implementation Grants program to support on-the-ground implementation of environmental protection on tribal lands. This program would provide \$30 million for tribes to address their most pressing environmental needs. This program would advance negotiated environmental plans and activities on a cooperative basis between tribes and EPA, ensuring that tribal environmental priorities are adequately addressed. In addition, the Administration's FY 2011 budget request includes \$2.9 million for tribal capacity building and implementation of this new grant program. **NTEC requests that these EPA programs be funded at the proposed \$32.9 million level.**

#### **General Assistance Program**

**Preserve the Administration's FY 2011 request of \$71.4 million for the EPA General Assistance Program.**

Since 1992, the EPA's Indian Environmental General Assistance Program (GAP) has served a critical need in providing funding to tribes to build capacity for environmental management. The Administration's FY 2011 budget request includes a much-needed \$8.5 million increase for GAP. This requested increase will help tribal environmental programs to continue to build capacity as well as advance efforts to manage tribal environments. **NTEC requests that the EPA GAP Program be funded at the proposed \$71.4 million level.**

Mr. MORAN. Thank you very much, Mr. Pardilla. We appreciate your testimony. We appreciate the testimony of everyone, and those who were cut short, please feel free to share your further views with the committee, and we have all of your formal testimony. I am sorry that I had to cut some people short, but I wanted as many members as possible to hear the major points that you wanted to make.



**The following statements were provided for the record by witnesses who did not present oral testimony at the public witness hearings.**

Testimony of Millard Jacob Myers  
Executive Director  
1854 Treaty Authority

The 1854 Treaty Authority is an inter-Tribal natural resource organization which implements the off-reservation hunting, fishing and gathering rights of the Grand Portage and Bois Forte Bands of the Lake Superior Chippewa in the area ceded to the United States in the Treaty of 1854. Our program is funded by a PL 93-638 contract with the Bureau of Indian Affairs (BIA), which is appropriated directly through the BIA's "Trust/ Natural Resource Management - Rights Protection Implementation." The 1854 Treaty Authority respectfully requests that congress fund this appropriation in FY2011 at the same level it was funded in FY2010 (\$30,451,000.00) in order to meet the increased cost of fulfilling our court-ordered responsibilities.

For background purposes, the Grand Portage, Bois Forte and Fond du Lac Bands are signatories to the Treaty of September 30, 1854, 10 Stat. 1109. In that Treaty the Bands ceded approximately 5,000,000 acres in northeastern Minnesota, reserving the right to hunt, fish and gather in that territory. For most of the 20th Century, those off-reservation rights lay dormant and unrecognized and Tribal subsistence activities were relegated to lands within reservation boundaries.

In 1985 the Bands went to Federal court seeking a declaratory judgment that the 1854 Treaty did indeed reserve these off-reservation rights and that the State of Minnesota had no authority to regulate tribal hunting, fishing and gathering in the ceded territory. In the course of that litigation, the Bands and the State entered into negotiations concerning the exercise of treaty rights in the ceded territory. The negotiations resulted in an agreement which was approved by both the Minnesota Legislature and the Tribal governments. The agreement was then entered as a consent decree in the Federal litigation such that the obligations of the parties are enforceable in court.

One of the Bands' obligations under the agreement and court order was to create a means by which the Bands could effectively regulate Band member activities. After the Fond du Lac Band exercised its right to opt out with notice, the two remaining Bands formed the 1854 Treaty Authority. To this day, the 1854 Treaty Authority is the entity responsible for management of the Bands off-reservation hunting, fishing and gathering rights.

The 1854 Treaty Authority employs ten (10) full time employees, consisting of an Administrative Division (3), a Resource Management Division (4) and an Enforcement Division (3). Two of the Resource Management positions are grant (temporary) funded. The organization is overseen by a Board of Directors comprised of the elected Tribal Councils of the Grand Portage and Bois Forte Bands. The 1854 Treaty Authority also has a Judicial Services Division which retains a judge to hear matters arising under the Tribal code.

The 1854 Treaty Authority is a shining example of cooperation as we gather and share biological information with state, federal, local, and other tribal governmental units. The 1854 Treaty Authority is authorized through a Joint Powers Agreement with the State of Minnesota to

enforce state natural resource laws over non-Tribal users and State Officers are authorized to enforce tribal law applicable to tribal users. The 1854 Treaty Authority has also conducted many natural resource improvement and research projects with the above-mentioned government entities, as well as organizations from the private sector.

However, the 1854 Treaty Authority has struggled to maintain its full-time staff. Up until FY 2010, we had not had an increase in base funding for our programs of any significance in many years, and in fact the base funding had decreased the previous seven funding cycles. Simultaneously, cost of living expenses have increased at a regular rate, and some expenses have increased at an alarming rate (e.g. health and vehicle insurance, fuel, etc). Staff pay costs (wages plus benefits) combined with a decrease in base funding compelled the Treaty Authority to absorb all the cost increases internally at the expense of other programs and services. In 2007 we were unable to continue doing so and two vacated positions (one biologist and one enforcement) remain unfilled due to lack of funding. Of particular concern is the fact that our current enforcement staffing level (3 officers) is woefully inadequate to cover the 5 million acres of ceded territory.

I understand that this is not a unique situation, but at the same time the Federal government has a trust responsibility to protect and preserve treaty rights. Those rights will be jeopardized if the 1854 Treaty Authority cannot fulfill its obligations as an effective manager of treaty resources. We strongly believe that we can continue to be an integral and positive component of natural resource management in northeastern Minnesota. As history shows in the short 22 years of our existence we have been able to establish the Bands rightful place among all stakeholders and provide services that stretch beyond tribal benefit. In short, the work we do benefits all users and citizens of this region.

We are very thankful for the increase in FY2010 funding which enabled us to make up some of the shortfall which has plagued us in recent years. If we can continue to maintain funding at its current level, we can begin to look at ways to refill the two (2) vacant position that are sorely needed to provide adequate services to the Tribes.

Finally, I would like to close with a sincere thank you for the years of funding which have enabled the Tribes success in this area, and especially the increase in 2010, and respectfully reiterate the request for congress to fund this appropriation in FY2011 at the same level it was funded in FY2010 (\$30,451,000.00) in order to meet the increased cost of fulfilling our court-ordered responsibilities.

If there are any questions or issues of clarification, please do not hesitate to contact me.

Respectfully Submitted this 18th Day of March, 2010.

*Millard Jacob Myers*

Millard Jacob Myers  
Executive Director  
1854 Treaty Authority

**Public Testimony of the Alaska Wilderness League  
Submitted to U.S. House of Representatives Committee on Appropriations, Subcommittee  
on Interior, Environment, and Related Agencies**

**Submitted by David Dickson, Western Arctic and Oceans Program Director, Alaska  
Wilderness League, March 19, 2010**

We thank Chairman Moran and Ranking Member Simpson for the opportunity to submit this written statement on the Subcommittee's FY 2011 Appropriations Legislation.

The Alaska Wilderness League's mission is to lead the effort to preserve Alaska's wilderness by engaging citizens, sharing resources, collaborating with other organizations, educating the public, and providing a courageous, constant and victorious voice for Alaska in the nation's capital.

The Alaska Wilderness League (League) is concerned with agency programs under the Interior, Environment, and Related Agencies Subcommittee's jurisdiction that improve the scientific understanding of, and protection for, the biological and subsistence resources of America's Arctic. The League defines America's Arctic to include the National Petroleum Reserve-Alaska (Reserve), The Arctic National Wildlife Refuge, the U.S. portions of the Beaufort and Chukchi Seas, the Bristol Bay portion of the Bering Sea, and those lands in the Bristol Bay watershed managed by the Bureau of Land Management (BLM). These include management activities, research on oil spill impacts and response, programs related to understanding and predicting the impacts of climate change, and adaptation to climate change impacts to the biological and subsistence resources and communities in the region. We also support funding to advance the Administration's National Ocean Policy and agencies actions to carryout the requirements of President Obama's Memorandum on Tribal Consultation. The League supports the President's budget request for Fiscal Year 2011 for relevant programs of the Fish and Wildlife Service, U.S. Geological Survey, Bureau of Land Management, and Minerals Management Service under the Department of the Interior, the Environmental Protection Agency, and the Council on Environmental Quality.

Our specific recommendations follow:

**National Ocean Policy**

The League commends the work of the President's Interagency Ocean Policy Task Force in developing and making recommendations for a comprehensive, ecosystem-based National Ocean Policy and Framework for Coastal and Marine Spatial Planning. The recommendations for a National Ocean Policy included environmental stewardship of the Arctic Ocean as a National Priority Objective and a strategic implementation plan for this objective to be completed within 12 months after the new Policy is adopted by the President. This implementation plan, combined with the proposed framework for coastal and marine spatial planning offers an important opportunity develop a comprehensive, science-based planning process for the Beaufort and Chukchi Seas that can ensure protection of important ecological areas, marine wildlife, the



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subsistence way of life for the Inupiat people of the Arctic Slope, while determining if, where, when, and how industrial development and activities can be safely allowed to occur.

- **Council on Environmental Quality** - We recommend the Committee fully fund the President's request of \$ 3.448 million for CEQ including the addition of staff to implement the National Ocean Policy.
- **U.S. Geological Survey** – We support the President's request for an additional \$4 million and eight staff positions for coastal and marine spatial planning.
- **Minerals Management Service** – We support the President's request for an additional \$1 million and four staff positions for coastal and marine spatial planning.

**Bureau of Land Management – Resource Management Planning Activity**

We are concerned about the impacts of the proposed reduction in funding for the Resource Management Planning Activity because it may well preclude two planning activities we believe are vital for BLM in Alaska to undertake in FY 2011, revision of the Bay RMP and an initiation of a comprehensive Area-Wide Activity Plan for the Reserve. So as not to impact other ongoing BLM planning work in Alaska we request that at a minimum the Committee provide funding above the President's request for this activity to:

- *Initiate a revision of the previous administration's Bay RMP through a Supplemental Environmental Impact Statement (SEIS).* Bristol Bay and its watershed support the world's largest wild salmon runs. The abundance of salmon found here has directly supported cultures for thousands of years and forms the economic backbone for people living across the region. All totaled Bristol Bay's sport, commercial and subsistence fisheries generate approximately \$440 million year and provide jobs for some 12,500 people. In Nov. of 2008 the Bush administration finalized, an RMP for the region that will make nearly 100 percent of the one million acres of BLM land available to mining and oil and gas development with only standard operating procedures in place, thus threatening this world class fishery. This plan neglected the value of the commercial fishery and did not review the BLM lands in the area for any protections or special management. BLM must review this plan, conduct an SEIS and create a final plan that adopts the strongest possible protections for the lands and waters of the Bristol Bay watershed.
- *Conduct an Area-Wide Activity Plan for the National Petroleum Reserve-Alaska.* Spanning 23.5 million acres the lands and waters of the Reserve comprise some of our nation's most vital natural habitat for migratory birds, grizzly bears, caribou, polar bears, walrus, beluga whales and more. The North Slope communities that maintain a subsistence culture depend on these living resources to survive. In recent years efforts to open important habitat areas for oil and gas development have spurred controversy and litigation. The current controversy over how ConocoPhillips should access its leases within the Reserve through the Coleville River Delta is the most recent example these types of conflicts. The League believes that environmentally safe oil and gas development should be allowed in appropriate areas of the reserve, while other important

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habitat and subsistence areas should be protected. Unlike other BLM lands in Alaska the Reserve is not subject to the planning requirements of the Federal Lands Planning and Management Act. None-the-less BLM has the authority under legislation establishing the Reserve and authorizing oil and gas leasing to undertake a comprehensive planning process that can lead to the protection of vital habitat and subsistence areas while allowing leasing and development in others. It is our understanding that the BLM Alaska Office considers the development of an Area-Wide Activity Plan for the Reserve a priority activity.

#### **Minerals Management Service and the Need for Science in the Beaufort and Chukchi Seas**

An ongoing concern about the last administration's efforts to promote massive expansion of oil and gas leasing in the Beaufort Sea and Chukchi Sea OCS Planning Areas is a lack of fundamental science on the marine ecosystems. Much better scientific baseline information on the coastal and marine ecosystems of the Beaufort and Chukchi Seas is needed before MMS can adequately predict the potential environmental and cultural impacts of offshore oil and gas exploration and development. Indeed it is the lack of this information and a plan by MMS to attain it that has led to litigation against the agency is several actions approving offshore leasing and exploration. Recognizing the need for science the House and Senate Conferees included the following language in the Joint Explanatory Statement of the Committee of the Conference for Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

The conferees note that over the last several years there have been expanded areas available for oil and gas leasing in the Beaufort and Chukchi Seas and approved exploration plans involving seismic testing and exploratory drilling waters. These waters currently host a rich diversity of wildlife and fish resources and are critical to the survival of the subsistence culture of the Inupiat people of Arctic Alaska. To ensure science-based planning with regard to these important resources, a continuing comprehensive assessment of the health, biodiversity, and functioning of Arctic marine and coastal ecosystems, including the impacts of industrial activities and of climate change is needed. To inform this continuing assessment, the conferees believe that there should be scientific analysis conducted by an independent entity to assess existing scientific information and identify any relevant additional information to ensure adequate environmental review of proposed industrial activities in the region. This assessment should also include recommendation for obtaining the identified relevant scientific information.

To our knowledge MMS has taken no action to have an independent entity conduct the scientific analysis of existing and additional needed science mentioned above. Therefore we recommend that the Committee direct MMS to contract with the National Research Council to conduct the assessment described above.

#### **Fish and Wildlife Service – Arctic National Wildlife Refuge**

We urge the Fish and Wildlife Service to continue its work on an updated Comprehensive Conservation Plan for the Arctic National Wildlife Refuge, and we encourage the agency to include a complete wilderness review for the Refuge's Coastal Plain.

**Association of American Universities**

Testimony Submitted by Robert M. Berdahl, President, Association of American Universities

Dear Chairman Moran and Ranking Member Simpson:

On behalf of the Association of American Universities (AAU), an organization of 60 leading U.S. public and private research universities, I appreciate the opportunity to testify before you today on the FY2011 budget of the National Endowment for the Humanities (NEH). We believe that our country's ability to meet the complex changes of today and tomorrow requires a renewed commitment to the humanities. AAU supports \$204 million in program funds for the NEH in FY11, including \$144 million for national programs (an increase of \$44.4 million above FY10) and \$60 million for the federal/state partnership (an increase of \$19.6 million above FY10). We strongly oppose the \$7.2 million in cuts the Administration has proposed for NEH programs in FY11.

The Endowment is the single most important source of federal support for humanities research and humanities public education. We believe that the nation would benefit from a significant funding increase for the NEH, in part as a complement to the federal investment in science and engineering research. It is through the humanities that we can better understand and address the social, economic, and political changes associated with technological development and globalization. We also believe that as teachers and supporters of the humanities, we have an obligation and an opportunity to support through history, literature, and language a culture of tolerance and civility, which is greatly needed today. NEH strengthens and benefits the nation by promoting excellence in the humanities and conveying the lessons of history to all Americans.

*The History of AAU and the Humanities*

AAU universities are devoted to maintaining a system of high-quality academic research and education in a wide range of fields at the undergraduate, graduate, and professional levels. Our member universities perform about 60 percent of federally funded university-based scientific and engineering research. But our schools also are leaders in humanities through their support of academic departments, public performance and lecture facilities, museums, and centers. For our institutions, the humanities are both subjects of research and a critical element of undergraduate and graduate education. AAU institutions use NEH grants for research and scholarship that help preserve the nation's diverse heritage, educate the next generation of Americans, and bring the humanities to the wider public.

For example, the University of Virginia currently has two long-standing NEH-supported projects: *The Papers of George Washington*, a comprehensive edition of Washington's correspondence, and *The Papers of James Madison*, a project to publish annotated volumes of Madison's correspondence and writings. Madison is the Virginia statesman most remembered for his public service as "Father of the Constitution" and as fourth president of the United States.

Indeed, AAU institutions are engaged in a wide range of activities that focus attention on the benefits of a humanities education. AAU's 2004 report, *Reinvigorating the Humanities: Enhancing Research and Education on Campus and Beyond*, not only called for university

presidents and chancellors to give increased attention to the humanities but also provided an inventory of exciting campus projects and programs around the country.

*Restoration of NEH Funds to Support Competitive Programs*

The President's proposed FY11 budget would cut the Endowment's resources at a time when the agency is operating at only about one-third of the capacity it had in 1979, which in inflation-adjusted dollars would amount to \$429.2 million today. In the 1980s, the agency sustained some of the most severe funding reductions of any federal agency. In 1994, the NEH budget was cut by 41.5% from the previous year. Over time, the combined impact of budget cuts and inflation has reduced the number, diversity, and buying power of grants provided by the NEH. It is worth noting that the NEH received no funding in the American Recovery and Reinvestment Act.

The President's FY11 request would cut funds for national programs by \$5.3 million (5.7%) below FY10. The relatively small amount of money saved by the proposed cuts would contribute little to overall budget savings but would have a serious impact on the Endowment's ability to support humanities research and education. NEH application rates already demonstrate significant unmet need. In FY09, the NEH received 4,366 competitive grant applications representing more than \$402 million in requested funds. But the Endowment was able to fund less than 17 percent of these peer-reviewed project proposals.

While universities have tried to close some of this funding gap with their own funds, it is increasingly difficult for them to do so. Public and private colleges and universities across the country continue to feel the effects of the recent economic recession, including budget cuts, hiring freezes, staff layoffs, course reductions and more. Institutions are struggling to maintain continued access to high-quality programs, which is particularly evident in the humanities disciplines. As recently reported by the National Governors' Association, states face an \$18.8 billion budget gap in FY10 which many states will address, in part, by making further reductions in higher education. Beyond significant declines in state funding, colleges and universities are in the midst of a perfect storm of decreased endowment values, tightened credit, declining private contributions from individuals and corporations, increased student financial need, and reduced tuition revenue. Despite the loss of revenue, colleges and universities have worked to increase their aid to students in order to preserve student access. AAU members alone provided almost \$5 billion in student aid last year. We cannot assume that higher education can continue to compensate for a lack of growth in federal funds for the humanities.

In addition, foundation support for the humanities has slipped during the past decade. Foundation assets are down about 22%, with giving down about 10%. This is a larger dip than in previous recessions. The humanities community is concerned that not only is overall foundation support going down, but that the share of foundation support for the humanities also is dropping. Moreover, there has been a long-term shift among foundations away from funding for scholarship and core disciplines toward funding for public programming. These funding trends are of particular concern to AAU institutions because unmet need is forcing humanities students (particularly graduate students) to assume growing debt.

*AAU Funding Priorities for the NEH*

The humanities community's FY11 request of \$204 million in program funds for NEH represents an important step in restoring the Endowment to its historic funding levels. This request would support an increase of \$144 million for national programs, including \$36.9 million to increase the award rate for seriously underfunded grant competitions and \$7.5 million for a new, competitively awarded graduate student-faculty program. National programs are our first priority, representing the pool of funds that support peer-reviewed, competitive grant opportunities for a wide range of educational institutions, non-profit organizations, and individual scholars around the country. They encompass NEH core programs, divisions, and special initiatives. These areas include research, education, preservation & access, challenge grants, public programs, the Office of Digital Humanities, We the People, and Bridging Cultures.

Within the education division, AAU is particularly supportive of the Summer Seminars and Institutes, which fund national faculty development programs that provide a critical forum for leading scholars and faculty to deepen their knowledge of current scholarship. Similarly, Faculty Humanities Workshops support local and regional professional development programs that allow faculty and scholars to engage in collaborative study. Within the research division, several programs, including Summer Stipends and Fellowships, support individuals or teams of two or more scholars (not including graduate students) pursuing advanced research that will contribute to scholarly knowledge or to the public's understanding of the humanities.

One of the problems that humanities researchers and scholars face is that the reinterpretation of history and other scholarly work that often define the work of humanists do not fit the traditional concept of "research," as we think of it in the science and engineering disciplines. AAU is working with others in the humanities community to find ways to better communicate how research in the humanities differs from research in the sciences, but is still essential to addressing many of today's challenges.

The second priority for AAU is a new competitively awarded graduate student-faculty program. We have engaged in extensive discussions during the past two years with the White House, the Office of Management and Budget, the NEH, and Congress (particularly the House Humanities Caucus Co-Chairs) and believe that we have support, particularly with the leadership of the Endowment, for such a program. It would simultaneously expand scholarship in key areas of inquiry, support the education of graduate students in the conduct of research, and bring faculty and graduate students together in collaborative arrangements that have long characterized the sciences. In the sciences, such collaborations foster creativity by combining the knowledge and experience of faculty with the energy and creativity of graduate students. The benefits of faculty mentorship, early and in-depth engagement of graduate students in research, and the enrichment of scholarly endeavors by the close interaction of faculty and graduate students have been all too lacking in the humanities.

While we are flexible as to how the program should be structured, our initial proposal is a national competitive program in which proposals from universities would be judged on the scholarly inquiry to be conducted; the manner in which the proposed research topic would be enhanced by faculty-supervised graduate student research; the intellectual, social, or cultural significance of the research; the contribution of the research to interdisciplinary research; and the plans to communicate the research within and beyond the academic community. We believe that

the first step should be internal competitions within institutions, with each university selecting which proposals should be submitted to the NEH national competition. The institutional proposals might involve a team of one faculty member and one graduate student, or two or more faculty members working with several graduate students on an interdisciplinary topic.

This new program would build on the Endowment's decision to allow graduate students to participate in the NEH summer seminars, as the humanities community requested. Still, the NEH does not currently support graduate research in the humanities. While the National Institutes of Health, the National Science Foundation, the Departments of Defense and Energy, and the National Aeronautics and Space Administration, have graduate education components to complement their university-based research, the NEH stands as one of the few federal agencies that does not support or train the next generation of researchers or support collaboration between students and faculty. The Endowment once funded a small dissertation fellowship program, but the program was de-funded when the agency sustained significant budget cuts in the mid-1990s.

Many details of the proposed program remain to be worked out, but we believe that NEH is uniquely positioned to promote collaboration between faculty and graduate students in a manner that both enriches humanities scholarship and helps to supply our nation with the talented and knowledgeable individuals who will contribute to a culturally competent workforce. This is a two for one in a single program. We believe it is a vital element in sustaining the pipeline of young humanities researchers and scholars.

The third priority for AAU is improved humanities data collection. AAU supports the Administration's FY11 budget language citing the NEH's intentions to "enter into a partnership with the American Academy of Arts and Sciences...to sustain and extend AAAS's developmental work on the Humanities Indicators Project." The project, which is responsive to NEH's legislative mandate to develop a system of national information and data collection, is making a wide range of humanities data available to researchers, educators, and the general public. These data will equip policymakers and institutional administrators with statistical tools to help inform decision-making about K-12, higher education, the humanities workforce, and other areas of concern to the humanities community.

AAU encourages you to consider the importance of the humanities in our society today. NEH helps colleges and universities around the country ensure that the humanities remain central to their missions and to the cultural life of the nation. In its role as the largest federal supporter of the humanities, the NEH broadens public awareness of and participation in the humanities through teaching, scholarship, and research.

AAU, as part of the larger humanities advocacy community, supports a significant increase in the Endowment's budget to enable the agency to more broadly support the research and education programs our nation needs to better understand an increasingly complex world. In addition, we believe that Congress has a unique opportunity to support a new program to facilitate more interaction between students and faculty in the humanities. We look forward to discussing the details of such a program as you develop the FY11 Interior Appropriations Bill.

Again, thank you for the opportunity to testify today and I welcome any questions.

**Testimony for the Record**

**Michelle McCollum**

**Chairman, Alliance of National Heritage Areas  
and  
President, South Carolina National Heritage Corridor**

**before the**

**U.S. House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment and Related Agencies**

**Washington, DC**

**March 26, 2010**

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Mr. Chairman and distinguished members of the subcommittee, thank you for the opportunity to appear before you today to provide testimony regarding funding for the National Heritage Area (NHA) Program. My name is Michelle McCollum and I am President of the South Carolina National Heritage Corridor, a National Heritage Area that serves 17 counties of South Carolina. I am testifying in my capacity as Chairman of the Board of Directors of the Alliance of National Heritage Areas (ANHA), a membership organization that includes 35 of our nation's national heritage areas as well as other partners in the preservation, conservation and economic development industries.

Mr. Chairman, I would like to convey three very specific points to the committee today. First, fiscal year 2011 funding for the NHA program should be \$18 million, maintaining the FY2010 funding level. Second, language in the President's budget proposal is detrimental to the future of the program and must be rejected. Finally, national program legislation is the solution to the NHA funding issue and should be enacted in order to preserve the program.

During these challenging economic times, every program should be scrutinized, measured and held accountable. In addition, successful programs should be embraced, especially ones such as the NHA program that receives modest federal investment yet yields substantial return on that investment.

Congress demonstrates recognition of the NHA program success by continuing to designate new areas across the country. In fact, the number of designations has tripled in the past decade; bringing the total number of heritage areas to 49 in 32 states. Heritage areas span a wide spectrum of activities. They can range from a single effort to save a group of historic buildings to a multifaceted approach to regional conservation, preservation, tourism and economic revitalization. Heritage areas can be located in one

neighborhood, or they can be multi-jurisdictional, crossing the boundaries of counties and states.

While NHAs share the same core goals, the priority of these goals differ with each area because the NHAs are as unique as the resources they work to conserve. The model works because we continue to remain relevant to the specific needs of our individual communities. The grassroots nature of the NHA Program lends itself to meeting the needs identified by and for the local people. It is a model that not only encourages, but requires, public input and local investment, and is a model that garners enormous support from constituents we serve and partners we support.

The success of the program has recently been recognized by the National Park Second Century Commission. To quote an excerpt from the Second Century Commission Report:

*The new Park Service plan must evaluate the potential for new kinds of national parks, including "lived in" landscapes and cityscapes, ecological restoration areas, and corridors of conservation that connect parks and recreational facilities, historic sites and cultural landscapes.*

*National Heritage Areas provide a collaborative model that fits well within a large landscape scale preservation and conservation framework. Recognizing them as long term assets to the national park system, we recommend that Congress pass authorizing legislation creating a system of National Heritage Areas providing for permanent funding and directing full program support from the National Park Service to the designated areas.*

Both the ANHA and the National Park Service (NPS) are working on draft legislation to mandate a standard approach for the NHA program. It is imperative to have uniformity in the criteria, timeframes for designation, financial and technical support, and the performance evaluation process. As recommended by the Second Century Commission, program legislation should provide base funding for all designated areas. The basic realities are that all funding entities, whether government or private, must permit a necessary percentage of money to be used for operations and administration, otherwise no one could be employed to oversee the project for which funds were received.

Program legislation must also address the issue of the designation process. NHA designation must come after all planning is complete. Until the management plan is developed, the NPS has little information to make a justifiable recommendation and Congress has little information to decide on the initial designation; therefore, the resulting NHA could contain few historic or cultural resources, may lack the public's support, or may lack national significance. Second, designating an area prior to a plan will often redirect most, if not all, of the NPS appropriations to planning, instead of the intended investment in the resource conservation and development. If Congress would



designate heritage areas as "planning areas" first and provide a small amount of funding to help seed the planning process, then, when the feasibility and management plans were complete, Congress would have a more complete assessment of the potential for the NHA.

Until such time as program legislation can be passed and base funding included as a part of that legislation, the 2011 funding level for the NHA program should be increased to the 2010 level. Currently, there are 49 NHAs authorized to receive \$1 million per year. The total NHA program appropriation of \$15.7 million for fiscal year 2009 represents only 32 percent of the authorized funding approved by Congress. Further, with matching and leveraged dollars, this funding was only 15 percent of total funding for the NHA program. It is extremely important to highlight that although 15 percent is a small portion, it is the most critical portion of our funding because the Heritage Partnership Funds through the NPS serve as the foundation of our funding structure. If the NPS funds are insufficient, the structure will collapse.

The federal appropriations provide the seed investment for the NHAs to use as advance funding to leverage other forms of investment, whether from state or local governments, foundations or private sources. The first dollars pledged are often the most difficult money to raise for any project. After the seed investment is provided, other funding partners can be sought, often successfully if the initial seed is from the principal partner.

In addition, raising funds for any project becomes more difficult if the principle funding partner withdraws or withholds funds. NPS funding provides a level of credibility to the NHA attempting to raise the additional money, and it provides a level of surety to the other funding partners by showing the Federal government is committed to the NHA. If the funding were not available, other partners could begin to withdraw their support from the NHA.

Few government programs can show a funding ratio of \$5.50 to every \$1 of federal investment. NHAs leverage federal funds to create jobs, generate revenue for local governments, and sustain local communities through revitalization and heritage tourism, while furthering the mission of the NPS. Utilizing a formula created by the US Department of Commerce that measures the dollars needed to create one job from heritage preservation/tourism funds in each state, NHAs have created 16,520 jobs in 32 states through the \$171,163,484 federal investment. To break this down further to numbers relevant to my home state, South Carolina received \$5,769,722,428 in total Stimulus funds which created 10,998 jobs. This means that it took \$524,616 of spending to create one job. The \$9,242,850 of federal funds into the South Carolina National Heritage Corridor has created 913 jobs, at a cost of \$21,296 per job. In an economic climate that seeks to receive the most efficient return on investment for job creation, the numbers for heritage preservation/tourism are compelling.

As the program matures and gains momentum, NHAs are being recognized as a stabilizing force for cultural and heritage based development and as an innovative approach to community revitalization and economic vitality. Our ability to bring about

collaborative partnerships, leverage investment and build sustainable projects continues to strengthen as we establish and grow proven track records of success.

This brings me to the final point that I wish to convey to the subcommittee today. The Administration's recommended budget language, if adopted, imposes new and unjustified language on 22 of the nation's most established heritage areas. The language changes the distribution of funds and eliminates funding for areas established before 2001. It also penalizes them for failing to meet a yet-to-be-developed set of guidelines by the NPS on sustainability. The language requires many NHAs to meet previously unstated mandates on self-sufficiency by February 1, 2010; a deadline announced on the same day as the budget's release, thus making it a requirement impossible to meet. Finally, the budget language ignores the National Park Second Century Commission's strong recommendations calling for Congress to authorize, clearly define, and provide base funding for a system of National Heritage Areas.

To summarize, it is critical that adequate FY2011 levels be maintained at the FY2010 level and the Administration's budget language, which eliminates funding for our nation's most established areas, be rejected.

Again, the establishment of program legislation will be extremely beneficial to the budget processes of both Congress and NHAs. Through legislation, Congress can acquire the information necessary to effectively designate, fund and evaluate NHAs. In return, NHAs and their partners will be assured of the annual base funding that provides the foundation of each area's success.

Mr. Chairman, again, I greatly appreciate the opportunity to testify before the committee and I would be happy to answer questions.



AMERICAN ASSOCIATION OF PETROLEUM GEOLOGISTS  
Geoscience & Energy Office – Washington, D.C.

Written testimony submitted to:  
**House Appropriations Subcommittee on  
Interior, Environment, and Related Agencies**  
in support of U.S. Geological Survey programs

by

**John C. Lorenz, Ph.D.**, President  
American Association of Petroleum Geologists

To the Chair and Members of the Subcommittee:

Thank you for this opportunity to provide testimony on behalf of the American Association of Petroleum Geologists (AAPG) about the importance of the geological programs conducted by the U.S. Geological Survey (USGS).

AAPG is the world's largest scientific and professional geological association. The purpose of the association is to advance the science of geology, foster scientific research, and promote technology. AAPG has nearly 34,000 members around the world, with roughly two-thirds living and working in the United States. These are the professional geoscientists in industry, government, and academia who practice, regulate, and teach the science and process of finding and producing energy resources from the Earth.

AAPG strives to increase public awareness of the crucial role that the geosciences, and particularly petroleum geology, play in our society. The USGS is crucial to meeting these societal needs, and several of its programs deserve special attention by the Subcommittee.

#### **Geologic Resource Assessments**

##### *Energy Resources Program*

The USGS Energy Resources Program (ERP) conducts both basic and applied geoscience research focused on geologic energy resources (both domestic and international), including oil, natural gas, coal, coalbed methane, gas hydrates, geothermal, oil shale, and bitumen and heavy oil. In the President's FY2011 budget request, he also included funding for ERP to participate in the New Energy Frontier (wind) initiative. ERP also conducts research on the environmental, economic, and human health impacts of the production and use of these resources. This research provides both the public and private sectors with vital information.

An urgent problem addressed through the ERP is the **preservation of geological and geophysical data**. The Energy Policy Act of 2005 (EPACT 2005, P.L. 109-58) includes Sect. 351 Preservation of Geological and Geophysical Data. This program is designed to preserve geological, geophysical data, and engineering data, maps, well logs, and samples. It includes

development of a national catalog of this archival material, and providing technical and financial assistance related to the samples and materials. As the Act stipulated, the USGS created the National Geological and Geophysical Data Preservation Program (NGGDPP). Since the beginning of this program, however, it has received insufficient funding to accomplish all of the objectives set out in the authorizing language.

Why is preservation important? Responsible management and efficient development of natural resources requires access to the best available scientific information. Over many years industry, such as petroleum and mining companies, has invested billions of dollars to acquire geological and geophysical data. Because of changing company focus and economic conditions this data may no longer have value to the company that acquired it, and is in jeopardy of being discarded.

But this data still has value to society. The data is valuable for further natural resources exploration and development, and can be applied to basic and applied earth systems research, environmental remediation, and natural-hazard mitigation. It is the type of data that will enable future generations of scientists and policy makers to address the nation's energy, environmental, and natural hazard challenges of the 21<sup>st</sup> century.

The NGGDPP was authorized at \$30 million annually in EPACT 2005. Historical allocations for this program have ranged from \$750,000 to \$1,000,000 per year. These funding levels are inadequate to achieve the program's objectives.

**AAPG supports President Obama's FY2011 request to fund the Energy Resources Program activities at \$30.8 million, and asks the Subcommittee to additionally appropriate \$30 million in FY2011 for the preservation of geological and geophysical data, bringing the total Energy Resource Program budget to \$60.8 million.**

#### *Mineral Resources Program*

The United States is the world's largest consumer of mineral commodities. They form the building blocks of our economy.

It is therefore essential to this nation's economic and national security that the federal government understands both the domestic and international supply and demand for minerals and mineral materials. This data is used throughout government (Departments of Commerce, Interior, Defense, and State; the Central Intelligence Agency; the Federal Reserve) and the private sector.

The USGS Mineral Resources Program (MRP) is the only federal and publicly-available source for comprehensive information and analysis of mineral commodities and mineral materials.

**AAPG supports President Obama's FY2011 request for the Mineral Resources Program at \$52.5 million, and urges the Subcommittee to appropriate at that level.**

**Geologic Landscape & Coastal Assessments***National Cooperative Geologic Mapping Program*

AAPG supports the National Cooperative Geologic Mapping Program (NCGMP). This unique partnership between the federal and State governments and the university community further demonstrates the importance of geoscience to society. The geologic maps produced by this program are used for natural resource management, natural hazard mitigation, water resource management, environmental conservation and remediation, and land-use planning.

NCGMP deserves special commendation for its EDMAP initiative. This university partnership enables students, working in a close mentoring relationship with faculty, to produce maps while learning essential mapping skills. As such, the program delivers an immediate return on the federal investment in terms of beneficial maps, as well as a future return in the form of a trained and competent next generation workforce.

**AAPG applauds President Obama's support for the National Cooperative Geologic Mapping Program. However, the funding request of \$28.3 million is essentially the amount authorized for FY1999. Authorizing legislation envisaged annual increases up to \$64 million in appropriated funds. AAPG urges the Subcommittee to fund NCGMP at this level in FY2011.**

Thank you for the opportunity to present this testimony to the Subcommittee. And thank you for your leadership and support for the geosciences. As you deliberate appropriate funding levels for these USGS programs, please consider the important public policy implications these choices entail.

Please contact me through our local office at 202-684-8225, fax 703-379-7563, or 4220 King Street, Alexandria, VA 22302.



**Testimony of Steve Holmer, Senior Policy Advisor  
American Bird Conservancy**

**Submitted to the House Subcommittee on Interior, Environmental and  
Related Agencies**

American Bird Conservancy's testimony focuses on the **U.S. Fish and Wildlife Service's Neotropical Migratory Bird Conservation Act (NMBCA) grants program and the Joint Ventures (JV) program**. American Bird Conservancy requests NMBCA be funded at **\$6.5 million** (\$1.5 million above FY10's level) and JVs be funded at **\$18 million** (\$4 million above FY10's level). An increase in funding for these programs would benefit the songbirds that are soon to arrive back from their wintering grounds and to the backyards and birdfeeders of millions of anxiously-awaiting Americans. **We further request \$5 million for reforestation in Appalachia, and a spending limitation on the logging of mature forests and trees on federal lands.**

American Bird Conservancy leads a coalition of conservation organization that includes National Audubon Society, Defenders of Wildlife, Point-Reyes Bird Observatory, and The Wildlife Society – who, together, advocate for federal programs crucial for bird conservation. These programs are the Neotropical Migratory Bird Conservation grants program, Joint Ventures, the U.S. Fish and Wildlife Service's Office of Migratory Bird Management, the North American Wetlands Conservation Act, State Wildlife Grants, the USGS Breeding Bird Survey, Wildlife Without Borders, and the International Programs within the USDA Forest Service.

As members of this subcommittee know well, America is blessed with a spectacular abundance and rich diversity of birds, with more than 800 species inhabiting the mainland, Hawaii, and surrounding oceans. So it's easy to understand why 75 million Americans engage in bird watching – and how this activity generates over \$45 billion to our economy every year.

Unfortunately, we found out in last year's U.S. Fish and Wildlife Service's groundbreaking *State of the Birds Report* that many of our bird species are in decline and some are threatened with extinction. For example, Eastern Meadowlarks, historically found in great abundance in our prairies, have dropped 70% over the past 30 years. The Northern Bobwhite quail has similarly lost 70% of its population in just 45 years. Rusty Blackbirds have declined by a staggering 99%. On Hawaii, the Akikiki and Akekee have undergone severe population declines leading to their recent listing under the Endangered Species Act.

The 2010 State of the Birds Report on Climate Change finds that most U.S. bird species will be imperiled by climate change, including common birds that are currently not of conservation concern. All 67 species of U.S. seabirds are rated as vulnerable, and islands also top the list of habitats where birds will be at greatest risk, indicating the efforts to conserve Hawaiian bird species need to be intensified.

Furthermore, American Bird Conservancy's report, *Saving Migratory Birds for Future Generations: The Success of the Neotropical Migratory Bird Conservation Act*, found that of our 341 species that are neotropical migrants - meaning birds that breed in the United States and Canada and winter in Latin America and the Caribbean - 127 are in decline. Sixty of those species, including 29 songbirds, are in severe decline having lost 45% or more of their population in the past 40 years. If these trends continue, future generations of Americans may never be able to see a bright blue Cerulean Warbler, Bell's Vireo, or Black-chinned Sparrow.

This trend can be seen all throughout the country. Here in Washington, D.C. for example an annual census of birds in Rock Creek Park that started in the 1940s, found that the number of migratory songbirds breeding there has dropped by 70% over the past half-century. Three species of warbler (Black-and-white, Hooded, and Kentucky) no longer breed there at all.

The main reasons for these precipitous declines are well established and reported in the 2009 State of the Birds Report: The largest source of bird mortality is due to habitat loss through conversion for human uses. Resource extraction and a growing human population have resulted in more development and land conversion for suburban sprawl so there are simply fewer and fewer large blocks of unbroken habitat for our native birds.

The second major impact is from habitat degradation from ecologically harmful land uses, such as unsustainable forestry or destruction of grasslands to create farm land. Deforestation, especially in Latin America, is accelerating at an alarming rate, driven by the needs of the rapidly expanding human population, which has tripled from 1950-2000. Estimates of the percentage of remaining forests that are lost each year in the Neotropics are between 1-2%.

#### **Neotropical Migratory Bird Conservation Act**

To address these two problems - habitat loss and degradation, both of which are rapidly increasing south of our border - ABC respectfully suggests that Congress act to help mitigate their impact by improving the appropriations level for the Neotropical Migratory Bird Conservation Act grants program. As the Subcommittee knows, the Neotropical Migratory Bird Conservation Act supports partnership programs in the United States, Canada, Latin America, and the Caribbean to conserve migratory birds, especially on their wintering grounds where birds of nearly 350 species, including some of the most endangered birds in North America, spend their winters. Projects include activities that benefit bird populations such as habitat restoration, research and monitoring, law enforcement, and outreach and education.

*Saving Migratory Birds for Future Generations* also found the grant program has a proven track record of reversing habitat loss and advancing conservation strategies for the broad range of Neotropical birds that populate America and the Western Hemisphere. The public-private partnerships along with the international collaboration they provide are proving themselves to be integral to preserving vulnerable bird populations.

From 2002-2008, grant money has gone out to 44 U.S. states and 34 countries, funding 260 projects, impacting almost three million acres of critical bird habitat. More than \$25 million in federally appropriated dollars have leveraged over \$116 million in partner contributions. However, demand for funding of high-quality conservation projects far outstrips current appropriations, and in 2008, 63 projects requesting nearly \$10,000,000 were not funded. From these numbers, it is clear that conservation that would benefit our migrant songbirds is not able to take place due to a lack of funding for this program.

**We respectfully request that NMBCA be funded at \$6.5 million (\$1.5 million above FY10's level).**

#### **Joint Ventures**

Joint Ventures (JVs) also exemplify a highly successful, cost-effective approach to conservation and are now being looked to as model for the Landscape Conservation Cooperatives. By applying science and bringing diverse constituents together, JVs across the United States have created a model for solving wildlife management problems and restoring habitats critical to conserving declining species. Nationally, JVs have protected, restored, or enhanced more than 13 million acres of important habitat for migratory bird species. There are currently 21 JVs in the United States that provide coordination for conservation planning and implementation of projects that benefit all migratory bird populations and other species.

Joint Ventures have a long history of success in implementing bird conservation initiatives mandated by Congress and by international treaties. Projects are developed at the local level and implemented through diverse public/private partnerships. These projects reflect local values and needs, while addressing regional and national conservation priorities. The projects benefit not only birds, but many wildlife species, and have a positive impact on the health of watersheds and local economies.

Every dollar invested in JVs leverages more than \$44 in non-federal partner funds (1999-2004) for on-the-ground habitat conservation and restoration projects, biological planning, and outreach. ABC believes JVs should be funded at \$18,000,000 in FY 2011 to allow them to meet their increased responsibilities. This increase in funding would help strengthen the public/private partnerships that leverage increasingly scarce public funds for on-the-ground habitat restoration and acquisition projects; continue to incorporate recent scientific advances in the development of landscape-conservation plans; and build capacity within the newer Joint Ventures, while maintaining expertise within established ones.

ABC strongly believes increased funding for NMBCA and JVs is essential to achieving conservation goals critical to our environment and economy. Just as importantly, these federal



programs are good values for taxpayers, leveraging over four and forty-four dollars respectively in partner contributions for each one that the taxpayers spend.

**We respectfully request that Joint Ventures be funded at \$18 million (\$4 million above FY10's level).**

#### **Conserving Forest Carbon and Restoring Wildlife Habitat**

Lastly, we believe land management activities that are ecologically unsustainable, or that are contrary to the recommendations of the 2010 State of the Birds report should be discontinued. Of particular concern is the continued logging of mature forests on federal lands. While the cutting of large fire-resistant trees and older forests has been greatly reduced, it still continues on federal lands, engendering strong public opposition, needless controversy, environmental harm, and a significant waste of scarce agency resources.

**We respectfully request the subcommittee include in the bill a funding limitation for projects that would log mature and old-growth forests or individual trees 100 years or older on all federal forest lands.** These forests and trees should be held in trust to both help mitigate the impacts of climate change by keeping these immense volumes of carbon from being released into the atmosphere, and to help wildlife adapt to changing conditions.

There are also opportunities to reforest abandoned minelands in Appalachia that would greatly enhance carbon storage above current levels, as well as provide much needed wildlife habitat in forest areas that have been heavily fragmented. Of particular concern is the Cerulean Warbler whose population has declined 70% since surveys began forty years ago. The species needs large-blocks of unfragmented habitat, which is currently in short supply in the eastern forests.

The Appalachian Regional Reforestation Initiative developed by federal and state government scientists, state wildlife agencies, and conservation organizations proposes to create 2,000 jobs over the next five years restoring these lands and returning them back into productive forests. **We respectfully request the Subcommittee approve \$5 million to begin this Appalachian reforestation initiative.**

In conclusion, Mr. Chairman, let me just say that America faces a serious challenge to reverse the decline of many of our bird species, but we can do it. Since birds are sensitive indicators of how we are protecting our environment as a whole, this decline signals a crisis that Congress must act now to reverse it. If the State of the Birds reports tell us anything, it is that when we apply ourselves by investing in conservation, we can save imperiled wildlife, protect habitats, and solve the multiple threats at the root of this problem.

**Testimony of William R. Murray, Deputy General Counsel  
American Forest & Paper Association  
Subcommittee on Interior, Environment, and Related Agencies  
House Committee on Appropriations  
March 19, 2010**

**Primary AF&PA Recommendations for U.S. Forest Service Programs**

USFS Account	Program	F.Y. 2010 (\$M)	AF&PA (\$M)
National Forest System	Forest Products	336.722	393.722
National Forest System	Hazardous Fuels Reduction	340.285	350.000
Forest and Rangeland Research	Forest Inventory and Analysis	66.939	76.000
State and Private Forestry	All	308.061	308.061

**Introduction**

The American Forest & Paper Association (AF&PA) is the national trade association of the forest products industry, representing forest landowners and pulp, paper, packaging, and wood products manufacturers. AF&PA companies make products essential for everyday life from renewable and recyclable resources.

The U.S. forest products industry accounts for approximately six percent of total domestic manufacturing GDP (putting it on par with the automotive and plastics industries). Forest industry companies produce \$200 billion in products annually, employ one million people, and provide \$54 billion in annual payroll. The industry is among the top 10 manufacturing sector employers in 48 states. Lumber, panel, pulp, and paper mills are frequently the economic hub of local communities, making the industry's health critical to the economic vitality of hundreds of rural areas across the country.

Declining federal timber harvests have adversely affected many rural communities, resulting in thousands of jobs lost. Many actions are needed to help preserve the industry's remaining jobs and contribute to the broader revitalization of the economy. Congress and the Administration must continue to improve credit markets, stimulate demand for housing, and craft policies that recognize the significant contributions made by the wood and paper industries towards renewable energy and climate goals. Within the jurisdiction of this subcommittee, we urge you to direct the U.S. Forest Service (USFS) to do everything it can to help preserve the forest products industry and the vital jobs it supports. Specific suggestions follow.

**National Forest System, Forest Products — Increase Funding to Create New Jobs**

The President's Budget Request for the National Forest System (NFS) proposes to create a new "Integrated Resource Restoration" account incorporating NFS programs previously funded under the Wildlife and Fish Habitat Management, Forest Products, and Vegetative and Watershed Management accounts and including a new activity, "Landscape and Watershed Restoration."

AF&PA understands the Administration's desire to "accelerate the refocusing of national forest management to forest ecosystem restoration project work, including global climate change adaptation and mitigation." However, we have numerous unanswered questions that preclude us from endorsing this initiative at this time. These are our primary concerns:

**1. Uncertain funding allocation among activities.** The three programs referenced above received a total of \$668 million in F.Y. 2010 funding. The President's Budget Request proposes \$694 million for the consolidated "Integrated Resource Restoration" account, but states that \$90 million is to be used for "Landscape and Watershed Restoration." Thus, it appears that one or more of the existing programmatic activities (Wildlife and Fish Habitat Management, Forest Products, and/or Vegetative and Watershed Management) will receive reductions of at least \$64 million. *How are those reductions to be allocated?*

**2. Restoration, as a concept, is undefined.** As evidenced by our signature on the joint February 16 letter to former Chairman Norm Dicks (copy attached), AF&PA has begun a dialogue with the Administration about how best to restore the health and vitality of the national forests, increase active management of more NFS acres, and revitalize the U.S. forest products industry. Given that this discussion is in its nascent stage, we have more questions than answers, including these:

- *How will a national emphasis on "restoration" affect timber sale programs on national forests that are not in need of restoration?*
- *How will a national emphasis on restoration dovetail with the forest plans, which focus on the statutory direction for multiple use and sustained yield without necessarily singling out "restoration" as a goal or objective?*
- *If the subcommittee were to adopt the Administration's recommendation, how would the Integrated Resource Restoration funds and outputs be allocated to the various Regions and Forests?*

**3. Absence of resource-specific targets.** AF&PA and numerous other conservation and natural resource organizations believe that USFS managers must be accountable to the citizens of the United States who are — collectively — the owners of the national forests. And, while it is true that some forest metrics are difficult to quantify (e.g. forest ecosystem resiliency), we rely upon quantifiable measures (e.g. wood removals) to judge how well the stewards of our collective patrimony are doing on a year-to-year basis. The President's Budget Request predicts timber outputs of 2.4 billion board feet, but does not contain an explicit timber sales target. We urge the Committee to maintain its past practice of including a statutory timber sale target. *Without a specific target, how will the Forest Service be held accountable for meeting or exceeding its "predicted" volume?*

**4. To create forest industry jobs, more federal timber should be made available for sale.** At a time when most Americans are concerned about jobs and our economy, studies indicate that the USFS timber sale program could produce over 6,000 jobs with an additional annual investment of \$57 million, and even more jobs could be produced with higher investments. *Without a specific NFS timber volume target and by eliminating the Forest Products account, how will new jobs be created?*

AF&PA supports the concept of "restoration" as applied to the national forests. Well managed forests are critical to the United States, providing recreation, clean air and water, and fish and wildlife habitat. They also support jobs, rural communities, local education, and the paper and building

materials vital to economic recovery. We intend to work with the Administration to help rebuild support for *proactive* national forest management and, where necessary, “restoration.” *However, while this discussion is ongoing, we urge this subcommittee to continue to provide funding for a separate Forest Products account, increase F.Y. 2011 funding to 393.722 million, and set a national timber sales target of 3.0 billion board feet. We also urge you to provide funds for road construction/reconstruction necessary to implement projects and to reduce the \$10 billion road maintenance backlog that exists primarily on Level 3,4, and 5 roads.*

#### **National Forest System, Hazardous Fuels Reduction — Increase Funding and Integration**

As we have testified in previous years, hazardous fuels reduction is essential to the federal forest health restoration effort and AF&PA supports a modest (\$10 million) increase over the F.Y. 2010 enacted level for this vital program. We also urge the subcommittee to instruct the Forest Service to implement these projects in forested stands, using mechanical treatments that produce merchantable wood fiber for utilization by local mills. Prescribed burns and debris removal will not solve the hazardous fuel overload by themselves. The forest products industry can and does play a key role in reducing hazardous fuels from federal lands as evidenced by the fact that mechanical hazardous fuel reduction costs are frequently significantly lower in regions with a substantial forest industry presence. The agency must take advantage of these synergies.

We also continue to believe the agency must move away from using “acres treated” as the sole metric of accomplishment in the hazardous fuels reduction program. Exclusive focus on this measure incentivizes the agency to treat low priority acres repeatedly and discourages the treatment of higher priority forested acres in Condition Class 3. More aggressive pursuit of mechanical treatments, including more frequent use of Healthy Forest Restoration Act authorities, will result in treatments that produce usable wood fiber and — more importantly — longer-lasting and more meaningful positive impacts on the long-term fire problem.

#### **National Forest System, Forest Health Management — Increase Bark Beetle Control Funding**

This subcommittee has recognized the urgent need to increase funding to fight bark beetle epidemics and following the final F.Y. 2010 allocation, Region 2 received an additional \$40 million, Montana received \$20 million, and Idaho received \$14 million to address this urgent problem. Those funds, while tremendously important and appreciated, are far short of what is necessary. Unfortunately, the President’s F.Y. 2011 Budget Request is silent on how, or whether, to pay for remaining work associated with the bark beetle epidemics. AF&PA urges this subcommittee to provide full funding to fight this insidious forest pest. Failure to act now will not only increase NFS firefighting costs in future years, but will cost the Treasury millions in revenue from lost timber sale receipts.

#### **Firefighting — Fund the FLAME Program**

AF&PA applauds the leadership by this subcommittee in including the Federal Land Assistance Management and Enhancement (FLAME) Act of 2009 within the F.Y. 2010 Interior, Environment, and Related Agencies appropriations bill. We urge you to continue this leadership by ensuring sufficient FLAME funding to cover the cost of emergency fires and eliminate the need to transfer funds from non-fire programs. In the past, “fire borrowing” has been disruptive to the management of affected federal agencies and led to inefficient resource management. We also urge you to provide

direction to USFS and Bureau of Land Management officials to use the most current and best-informed means of estimating annual suppression instead of the traditional 10-year average.

**Forest and Rangeland Research — Increase USFS R&D Funding Moderately**

Targeted research and data collection is needed to support forest productivity, forest health, and economic utilization of fiber. Increased funding for the Research and Development budget area is needed in order to allow the agency to focus on several critical priorities. The Forest Inventory and Analysis (FIA) program is the backbone of our knowledge about the nation's forests, and is a critical tool that allows us to assess their sustainability and health. We request \$76 million for the FIA program, which represents full funding. This level is needed to allow the Forest Service to cover 100 percent of U.S. forest lands and expedite data availability and analysis, and to support our growing data needs in the areas of bioenergy and climate mitigation.

We also recommend increased funding within the Forest Service R&D program in support of the Agenda 2020 Technology Alliance. Working in partnership with universities and the private sector, Forest Service funding for the Agenda 2020 program supports research to develop and deploy wood production systems that are ecologically sustainable, socially acceptable, and economically viable, in order to enhance forest conservation and the global competitiveness of forest product manufacturing and biorefinery operations in the United States. In particular, we encourage greater support for research on forest productivity and utilization at the Forest Products Lab and Research Stations. Innovative wood and fiber utilization research, including nanotechnology research, contributes to conservation and productivity of the forest resource. The development of new forest products and important research on the efficient use of wood fiber directly address the forest health problem through exploration of small diameter wood use and bioenergy production.

Finally, AF&PA recommends \$15 million to implement Section 9012 of the 2008 Farm Bill, which authorized a competitive R&D program to encourage the use of forest biomass for energy. This funding is needed to unlock the bioenergy potential from our nation's forests while simultaneously benefiting communities that rely on current forest resources. More renewable energy, more sustainable wood-based products, more carbon sequestration, and healthier forest-based communities are all possible with additional support for forest tree research.

**State and Private Forestry — Maintain F.Y. 2010 Funding Levels for Key Programs**

AF&PA applauds the subcommittee's sustained support for USFS State and Private Forestry programs and we are especially appreciative of last year's \$42.2 million increase. With ongoing droughts, invasive species infestations, and significant forest health problems, private forest resources remain vulnerable to damage from threats that do not respect public/private boundary lines.

As you know, private forests provide the bulk of the nation's wood fiber supply, while also sequestering huge amounts of carbon from the atmosphere, providing millions of acres of wildlife habitat, and supplying clean drinking water for millions of Americans. USFS State and Private Forestry programs protect these resources from threats that are beyond the capability of small landowners to effectively combat. Therefore, we urge you to provide funding at no less than their F.Y. 2010 enacted levels for the Cooperative Forest Health, Cooperative Fire Assistance, Forest Legacy Roads, Forest Stewardship, and Forest Legacy programs.



Written Public Testimony of  
 Gerald J. Gray, Acting Executive Director  
 American Forests  
 to the  
 Subcommittee on Interior, Environment, and Related Agencies  
 House Committee on Appropriations  
 on  
 Wildfire Funding in the Forest Service and DOI

March 19, 2009

Dear Mr. Chairman and Members of the Subcommittee:

American Forests is submitting this written testimony to address issues related to federal wildfire funding and the FLAME accounts. We urge the Subcommittee to provide strong support for the FLAME accounts in the USDA Forest Service (Forest Service) and Department of the Interior (DOI) budgets and to ensure that these accounts are able to both cover the cost of emergency wildfires and eliminate the need to transfer funds from non-fire programs. Additionally we urge the Subcommittee to provide direction to the agencies to use the most current and best informed means of estimating annual suppression costs rather than using the traditional 10-year average.

Founded in 1875, American Forests is the oldest national citizens conservation group in the U.S. Our work focuses on the protection and restoration of trees and forests for the many ecosystem services they provide to our nation. While our testimony in past years has covered an array of state and private forestry issues, this year we are focusing on our efforts as a member of the Partner Caucus on Fire Suppression Spending Solutions (Partner Caucus) – a unique and diverse group of organizations dedicated to finding a new, improved mechanism for funding emergency wildfire suppression activities for the Forest Service and DOI land management agencies. Assembled in early 2009, the Partner Caucus includes leading industry, environmental, outdoor recreation, and forestry organizations that all recognize the urgency of this problem. The Partner Caucus was created to call attention to the critical and broadly held need to release the stranglehold that emergency wildfire suppression costs are having on the agencies' budgets and programs, and the resulting negative economic and environmental impacts.

Our Partner Caucus agrees that the following set of recommendations is necessary to resolve the fire funding problem:

- 1) Congress needs to pass legislation that creates a partitioned wildfire suppression account to fund emergency/large wildfire suppression;
- 2) The funding sources for that partitioned account should not impact the non-emergency budgets for the Forest Service and DOI;

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- 3) All fire suppression funding must be based on a more accurate predictive model instead of the traditional 10-year average formula, and
- 4) Congress and the Administration should direct the Forest Service and DOI to continue developing and implementing rigorous cost-containment measures while also investing in the broad range of programs vital to the agencies' core missions.

In 2009 the Federal Land Assistance, Management and Enhancement Act (FLAME Act), established two funds, one for the Forest Service and another for DOI. Congress included specific instructions that FLAME should be funded with improved estimates and not at the expense of other agency programs. In FY2010, the Forest Service received \$413 million and DOI received \$75 million for their respective FLAME funds.

We are encouraged to see the Administration's attention to this important issue and a commitment to find a solution. However, the current budget proposal creates an obstacle to the progress thus far. The President's budget proposal for FY2011 includes not only the FLAME funds for each of the agencies but also a Wildland Fire Contingency Reserve for each agency. These Reserves are accessible after the 'regular' suppression dollars and the FLAME funds have been exhausted and require a Presidential declaration to be accessed. These Contingency Reserves are duplicative of the FLAME funds and take away from the potential of what the FLAME funds were intended to do. The FLAME Act already lays out the partitioning of the wildland fire suppression account and how the account should be funded and managed.

We request that instead of creating four accounts for 'emergency' wildland fire suppression activities, the Subcommittee reaffirm its support for the FLAME Act by funding only the FLAME accounts and by providing appropriate levels of funding. Additionally, we urge the Subcommittee to continue providing direction to the agencies to develop FLAME and 'regular' suppression funding estimates that are based on an accurate, predictive model, and not on the outdated, traditional rolling 10-year average.

We are grateful for the commitment of this Subcommittee, and this Congress, to address the increasing costs of emergency wildfire suppression and the adverse effects that those costs have had on important non-fire programs.

Sincerely,

Gerald J. Gray  
Acting Executive Director  
American Forests

**Statement of Tom Martin, President  
American Forest Foundation  
Before the House Appropriations Committee, Subcommittee on Interior,  
Environment and related Agencies  
March 19, 2010**

I am here on behalf of the American Forest Foundation, a nonprofit conservation organization that strives to ensure the continuation of America's 250 million acres of family-owned forests as forest. We strongly urge increased investment in programs that help sustain and conserve these forests, owned by more than 10 million families and individuals. The Foundation is home to the American Tree Farm System that, with the help of 5,000 volunteers, helps more than 76,000 families manage their woodlands sustainably.

Additionally, we urge an increase in environmental education funding to ensure that the next generation of conservation leaders and decision makers have the skills and knowledge to conserve the nation's forests and our environment. The Foundation is also home to Project Learning Tree which, through its 3,000 volunteers, trains 30,000 teachers a year in how to most effectively deliver environmental education.

Even in this extremely tight budget environment, investments in the nation's forests, are essential to our future. These forests, including the 1/3 that are family-owned provide us with multiple economic, environmental and social benefits. As we shift to clean, renewable energy sources, woody biomass will be a key strategy and, in some parts of the country, perhaps the only realistic strategy to meet our national goals. Woodlands also provide climate change mitigation through forest carbon sequestration and storage, the natural way to actually remove carbon from the atmosphere. Woodlands provide clean water supplies for current and future generations, by providing natural filtration. Woodlands provide habitat for wildlife across our country. Perhaps most importantly at this time, the family-owned forests are creating sustainable, high-wage jobs in rural communities.

At the same time, as our climate changes, our forests will see continuous change and already are experiencing major increases in forest pest outbreaks, catastrophic wildfires, and drought. Because of the essential role that forests play in our nation's future, we must also ensure that we have the resources to mitigate the impacts of climate change on our forests.

So let's dig a little deeper into the benefits family-owned forests provide all of us.

**Rural Jobs.** America's forests support over 1 million sustainable, family-wage jobs—employing foresters, loggers, truckers, mill workers, and others. Recent studies have shown that every 1,000 acres of private forests support an average of 8 jobs. Another study, based on US Forest Service data, shows that every \$1 million investment in forest management creates 39 jobs. With the proper investment in the programs outlined below, family-owned forests will be better managed to provide forest products, renewable energy, open space, watershed protection, and carbon storage, while also supporting new job creation.



**Clean, Renewable Energy.** Family-owned forests can also supply the nation with clean, renewable energy. Forest biomass already supplies the nation with more renewable energy than all the wind, solar, and geothermal facilities combined. These markets for forest biomass can supplement existing traditional forest products markets, and will be especially important in places like Missoula, Montana or Franklin, Virginia, where large forest products facilities have shut down, leaving landowners with few markets to sell their biomass. Without market opportunities, families find it very difficult to keep their lands as forests. The technical assistance and inventory programs outlined below provide critical assistance to family forest owners, so they can manage their land sustainably while participating in these new market opportunities.

**Mitigating Climate Change.** With concern about greenhouse gas emissions and the impacts of climate change, it is important to note that U.S. forests have the potential to sequester and store more than 20% of our annual emissions. Even as Congress continues to debate climate legislation, investments in the key programs below will help jumpstart our nation's climate mitigation activities right in our own backyards.

For all of us to continue to reap these benefits from our forests we need to ensure that we have the tools in place to help families keep their lands as forests. These tools must help address some of the most pressing challenges these landowners face. Family-forest owners need:

- Technical assistance to help them integrate the most sustainable management practices into their land management.
- Assistance in combating pests and pathogens that are decimating forests both directly on their land and on adjacent public lands as well.
- Funds to help permanently preserve some of the most environmentally important land through conservation easements or outright purchase.
- Information that can help family-forest owners and others in the forest community better understand markets, the potential demands on them and the best ways to create sustainable economic vitality. Good management takes good markets, and good markets are based on good information.

The following programs are essential investments to ensure that our nation's family-owned forests can provide the important energy, environmental, and community benefits for our future:

**\$45 million for the Forest Stewardship Program:** This program serves as one of the largest sources of technical assistance for family forest owners, helping them sustainably manage their land for wildlife, recreation, open space, timber production, and many other purposes. This recommended funding increase will provide critical forester expertise as we turn to the nation's family-owned forests to sequester and store more carbon and supply biomass for renewable energy. Additionally, this program often serves as a gateway to a family forest owner's participation in Farm Bill Conservation Programs. Congress worked hard in the last Farm Bill to ensure that family forest owners have access to the billions in conservation funding provided through these programs. This program provides the necessary forester "boots on the ground" for fully implementing these programs on family-owned forests. This investment will trigger job growth and

maintenance in many rural communities, as more foresters and natural resource professionals are put to work in the woods.

**\$145 million for the Forest Health Management Program:** This program helps to prevent, detect, control, and eradicate forest pest and pathogen infestations on state and private lands and will put people to work doing this. Forest pests and pathogens cause billions of dollars in damages to the U.S. economy each year, and this cost is expected to grow as new pests are detected and climate change makes our forests more susceptible to infestations. With such a strong reliance on our forests for future needs, we must invest in programs that will ensure we have healthy forests now and in the future.

**\$100 million for the Forest Legacy Program:** This program provides forest conservation easements so that family forest owners can afford to keep their forests as forests. We support this increase in funding, which the President requested in his budget proposal. Currently, forest land is being lost at the alarming rate of 1.5 million acres annually. America's family-owned forests protect our clean air and water, provide areas for recreation, and provide a habitat for threatened or endangered wildlife. Conservation easements offer protection from development pressures and escalating land values to help stem the loss of forestland.

**\$76 million for the Forest Inventory and Analysis Program:** This program provides the basic information on the nation's forests, timber supply, biomass resources, and could also begin to provide valuable information for growing carbon markets with this increased investment. With this information, family forest owners, forest product facilities, new renewable energy facilities, and conservationists can make informed decisions about how to conserve and sustainably manage our forest resources.

#### **The Next Generation – An Investment in Sustainability**

While investments in the nation's forests are essential to their future sustainability, if future generations of Americans are unaware of the importance of forests and do not have the skills to conserve and sustain them, all of our investments will be for nothing. Environmental education helps kids learn about forests and the role they play in a healthy environment and learn the critical thinking skills needed to solve our increasingly complex environmental problems. As we look to our environment to solve some of the nation's most pressing problems, we must equip our future decision makers and leaders with the skills to deal with these issues.

The EPA's Office of Environmental Education provides resources to support programs, like the American Forest Foundation's Project Learning Tree, which reaches millions of students each year about forests and our environment. We urge funding this program at the level authorized in the National Environmental Education Act of **\$14.0 million**.

**Conclusion**

Each of these investments in America's forests are essential to America's future.

Investments in the forest stewardship program increase jobs—and help family forest owners sustainably manage their lands. Investments in the forest health management program increase jobs—and help to combat pests and pathogens.

When we invest in the forest legacy program, we help to keep our forests as forests, protecting clean air and water, wildlife, recreation, and our rural communities. Investments in the forest inventory and analysis program gives us valuable data to make confident and informed decisions to conserve our forests.

Finally, we need a robust investment in environmental education. As we look toward our future, we need to act now to make sure the next generation has the critical thinking skills to identify and solve complex environmental problems.

Our forests hold the key to solving some of our nation's most pressing problems—job creation in rural America, climate change mitigation, and clean energy. We need to make solid investments that protect America's forests and prepare future generations to become our future conservation leaders.

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On behalf of our nation's family forest owners, thank you again for this opportunity to testify on the pressing need for full funding of the conservation initiatives before you. This is a critical concern for all Americans, given the pressing environmental challenges we face with a changing climate, development pressures on our forest lands, and more and more demand for the goods and services that forests provide.

**STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM  
SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES - COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES  
DEPARTMENT OF THE INTERIOR - BUREAU OF INDIAN EDUCATION**

**March 19, 2010**

**I. REQUEST SUMMARY**

On behalf of the nation's Tribal Colleges and Universities (TCUs), which compose the American Indian Higher Education Consortium (AIHEC), thank you for this opportunity to present our fiscal year 2011 (FY 2011) appropriations recommendations for the 29 colleges funded under the Tribally Controlled Colleges and Universities Assistance Act (Tribal College Act), the two Bureau of Indian Education postsecondary institutions, and the Institute of American Indian Arts. The U.S. Department of the Interior, Bureau of Indian Education, administers these programs, save for the Institute of American Indian Arts, which is congressionally chartered and funded through the Interior Department.

In FY 2011, TCUs seek \$92.5 million to fund all of the programs under the Tribally Controlled Colleges and Universities Assistance Act of 1978 or Tribal College Act. Specifically, we seek \$89.9 million for institutional operations grants; of which, \$63.2 million for Title I grants (26 TCUs); \$17.7 for Title II (*Diné College*); and \$9 million for Title V (\$5.5 million for *United Tribes Technical College* and \$3.5 million for *Navajo Technical College*). This request represents an increase over FY 2010 levels of \$12.6 million for Title I grants; \$4.7 million for *Diné College*; and \$2.33 million for Title V. Additionally, we seek \$601,000 for the technical assistance contract authorized under the Act, which is the same level as annually appropriated since FY 2006, and \$2 million to help the TCUs establish and fund endowments under Title III of the Act, which has been severely cut over the past few budget/appropriations cycles.

AIHEC's membership also includes three other TCUs funded under separate authorities within Interior Appropriations, namely: Haskell Indian Nations University; Southwestern Indian Polytechnic Institute; and the Institute of American Indian Arts. AIHEC supports the independently submitted requests for funding of the institutional operations budgets of these institutions.

**II. BRIEF BACKGROUND**

Today there are 36 TCUs located in 14 states, which were begun specifically to serve the higher education needs of American Indians. Annually, these institutions serve students from more than 250 federally recognized tribes, more than 80 percent of whom are eligible to receive federal financial aid.

TCUs are accredited by independent, regional accreditation agencies and like all institutions of higher education, must undergo stringent performance reviews on a periodic basis to retain their accreditation status. TCUs are young, geographically isolated, and poor. Our oldest institution, *Diné College*, was established in 1968. Most TCUs are located in areas of Indian Country that the federal government defines as extremely remote. They serve their communities in ways that reach far beyond college level programming and are often called beacons of hope for American Indian people. Our institutions provide much needed high school completion (GED), basic remediation, job training, college preparatory courses, and adult education programs. They serve as community libraries and centers, tribal archives, career and

business centers, economic development centers, public meeting places, and elder and child care centers. It is an underlying goal of all TCUs to improve the lives of students through higher education and to move American Indians toward self-sufficiency. This goal is fundamental because of the extreme poverty in which most American Indians live. In fact, three of the five poorest counties in America are home to TCUs, where unemployment rates are consistently well above 60 percent. By contrast, the current national unemployment rate, which is considered to be alarmingly high, is 9.7 percent.

TCUs remain the most poorly funded institutions of higher education in the nation. Tribal Colleges and Universities, the U.S. Military Academies, and Howard and Gallaudet Universities are the only institutions of higher education that depend on the federal government for their basic institutional operating funds.

### III. JUSTIFICATIONS

**a) TCUs provide critical access to vital postsecondary education opportunities.** Tribal Colleges and Universities provide access to higher education for American Indians and others living in some of the nation's most rural and economically depressed areas. The 2000 Census reported the annual per capita income of the U.S. population as \$21,587. However, the annual per capita income of Native Americans was \$12,923 or about 40 percent less. In addition to serving their students, TCUs serve their communities through a wide variety of community outreach programs.

**b) TCUs are producing a new generation of highly trained American Indian teachers, tribal government leaders, engineers, nurses, computer programmers, and other much-needed professionals.** By teaching the job skills most in demand on their reservations, TCUs are laying a solid foundation for tribal economic growth, with benefits for surrounding communities. In contrast to the high rates of unemployment on reservations, graduates of TCUs are employed in "high need" occupational areas such as Head Start teachers, elementary and secondary school teachers, and nurses/health care providers. Just as important, the vast majority of tribal college graduates remain in their tribal communities, applying their newly acquired skills and knowledge where they are most needed.

**c) TCUs meet the strict standards of mainstream accreditation boards offering top quality academic programs and serve as effective bridges to four year institutions of higher learning.** A growing number of TCUs have attained a ten year accreditation term, the longest term granted to any higher education institution. While most TCUs are two year institutions offering certificates and associate degrees, their transfer function is significant. An independent survey of TCU graduates conducted for the American Indian College Fund indicated that more than 80 percent of respondents who attended a mainstream college prior to enrolling at a TCU did not finish the degree they were pursuing at the mainstream college. The rate of completion markedly improved for those who attended a TCU prior to beginning a degree program at a mainstream institution. After completing tribal college coursework, less than half of respondents dropped out of mainstream colleges and nearly 40 percent went on to earn a bachelor's degree. This clearly illustrates TCUs' positive impact on the persistence of American Indian students in pursuit of baccalaureate degrees. The overwhelming majority of respondents felt that their TCU experience had prepared them well for further education and noted that it had a very positive influence on their personal and professional achievements.

**d) Despite a proven track record of success, TCUs still face serious disparities in institutional operations funding.** Title I of the Tribal College Act authorizes funding for the basic institutional

operating budget of one qualifying institution per federally recognized tribe based on a full-time American Indian student enrollment formula. Distribution of funds under Title I of the Tribal College Act is enrollment driven. Currently, the 25 institutions funded under Title I are receiving \$5,784 per Indian student toward their institutional operating budgets. If you factor in inflation, the buying power of the current appropriation is \$965 LESS per Indian student than it was when it was initially funded almost 30 years ago, when the appropriation was \$2,831 per Indian student. Additionally, TCUs do not receive any federal funding towards their operations for non-Indian students, which account for approximately 21 percent of their enrollments. Because they are located on federal trust lands, states have no obligation to fund these institutions. While TCUs do seek funding from their respective state legislatures for the non-Indian state-resident students or non-beneficiary students, who account for 21 percent of our enrollments, their successes have been, at best, unreliable. TCUs are accredited by the same regional agencies that accredit mainstream institutions, yet they have to continually advocate for basic operating support for their non-Indian state students, within their respective state legislatures. If these non-beneficiary students attended any other public institution in the state, the state would provide that institution with ongoing operations funding.

e) While the other TCUs' operating funds allocations are not enrollment driven and therefore the disparity is not as easily illustrated, they too suffer from a lack of stable operating revenue. This is not simply a matter of appropriations falling short of an authorization; it effectively impedes our institutions from having the necessary resources to grow their programs in response to the changing needs of their students and the communities they serve.

#### IV. SOME ADDITIONAL FACTS

**a) Enrollment Gains and New TCUs** - Compounding existing funding disparities is the fact that although the numbers of TCUs and students enrolled in them have dramatically increased since 1981, appropriations have increased at a disproportionately low rate. Since they were first funded, the number of tribal colleges has quadrupled and continues to grow; Indian student enrollments have risen over 310 percent. Between FY 2005 and FY 2011, five more TCUs have or will become eligible for Title I funding under the Tribal College Act. TCUs are in many ways victims of their own successes. The growing number of tribally chartered colleges and universities being established and increasing enrollments have forced TCUs to slice an already inadequate annual funding pie into even smaller pieces.

**b) Local Tax and Revenue Bases** - TCUs cannot rely on a local tax base for revenue. Although tribes have the sovereign authority to tax, high reservation poverty rates, the trust status of reservation lands, and the lack of strong reservation economies hinder the creation of a reservation tax base. On Indian reservations where TCUs are located, the unemployment rate can well exceed 60 percent. In comparison, the current national unemployment rate, which is considered to be alarmingly high, is 9.7 percent.

**c) Trust Responsibility** – The emergence of TCUs is a direct result of the special relationship between American Indian tribes and the federal government. TCUs are founded and chartered by their respective American Indian tribes, which hold a special legal relationship with the federal government, actualized by more than 400 treaties, several Supreme Court decisions, prior Congressional action, and the ceding of more than one billion acres of land to the federal government. Beyond the trust

responsibility, the fact remains that TCUs are providing a public service that no other institutions of higher education are willing, or able, to provide by helping the federal government fulfill its responsibility to the American people, particularly in rural America. Despite the fact that only enrolled members of a federally recognized tribe or the biological child of a tribal member may be counted as Indian students when determining an institution's share of the operating funds, TCUs have open enrollment policies. Approximately 21 percent of TCU enrollments are non-Indians. These institutions are simply and effectively providing access to quality higher education opportunities to reservation community residents.

#### **V. THE PRESIDENT'S FY 2011 BUDGET**

The President's Fiscal Year 2011 Budget recommends level funding for all of the programs authorized under the Tribal College Act. While the FY 2010 Budget included a one-time payment to transition the institutional operations grants for TCUs to a forward funded program so that the colleges have their operating funds prior to the start of each academic year, this transition funding did not increase the operating budget of the colleges.

#### **VI. APPROPRIATIONS REQUEST FOR FY 2011**

As noted earlier, it has been almost 30 years since the Tribal College Act was first funded and the TCUs have yet to receive the congressionally authorized per Indian student funding level. To achieve full funding would require an additional \$19.4 million. However, we do recognize the current budget constraints Congress is facing and therefore request that this funding shortfall be corrected over the next two fiscal years. To that end, the TCUs respectfully request a total appropriation of \$92.5 million for all of the programs authorized under the Tribal College Act [25 U.S.C. 1801 et seq.] Specifically, we seek \$89.9 million for institutional operations grants; of which, \$63.2 million for Title I grants (26 TCUs); \$17.7 for Title II (*Diné College*); and \$9 million for Title V (\$5.5 million for *United Tribes Technical College* and \$3.5 million for *Navajo Technical College*). Additionally, we seek \$601,000 for the technical assistance contract authorized under the Act, which is the same level as annually appropriated since FY 2006, and lastly, \$2 million to help the TCUs establish and fund endowments under Title III of the Act, which has been severely cut over the past few budget/appropriations cycles.

#### **VII. CONCLUSION**

Tribal Colleges and Universities provide quality higher education to many thousands of American Indians who might otherwise not have access to such opportunities. The modest federal investment that has been made in TCUs has paid great dividends in terms of employment, education, and economic development. Continuation of this investment makes sound moral and fiscal sense.

We greatly appreciate your past and continued support of the nation's Tribal Colleges and Universities and your serious consideration of our FY 2011 appropriations requests.

**Testimony in Support of Increased FY 2011 Funding for the  
United States Geological Survey and  
Environmental Protection Agency**

March 19, 2010

Submitted by:

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and

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Submitted to:

Committee on Appropriations

Subcommittee on Interior, Environment, and Related Agencies

United States House of Representatives

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to submit testimony in support of increased appropriations for the United States Geological Survey (USGS) and Environmental Protection Agency (EPA) for fiscal year (FY) 2011. AIBS requests that Congress provide the USGS with \$1.3 billion in FY 2011, with at least \$240 million for the Biological Resources Discipline. We further request that Congress provide the EPA's Office of Research and Development with at least \$646.5 million, with at least \$273 million for human health and ecosystem research.

**U.S. Geological Survey**

As a broker of unbiased, independent research, data, and assessments, the USGS provides needed information to public and private sector decision-makers. Data generated by the USGS save taxpayers money by reducing economic losses from natural disasters, allowing more effective management of water and natural resources, assisting the necessary preparation for climate impacts, and providing essential geospatial data that are needed for commercial activity and resource management. Much of these data are collected only by the USGS. Our nation cannot afford to sacrifice this information; rather, we should increase our investments in this work. Increased funding for the USGS is a wise investment that will bear real returns and benefits for the country.

The FY 2011 budget request for the USGS is inadequate to sustain the agency's critical work. The budget request appears to provide a 1.9 percent increase. However, when \$13.5 million in fixed costs and \$11.7 million in Interior-wide cuts are accounted for, the proposed budget would



only increase funding for the USGS by 0.7 percent from FY 2010 enacted. Given the agency's critical activities for the environmental and economic health of the nation, more support is justified.

The proposed budget would cut funding for the Biological Resources Discipline (BRD) within the USGS. Interior-wide cuts and absorption of fixed costs will result in a net decline of \$6.2 million from FY 2010 enacted. This erosion of funding will undercut BRD's ability to fulfill its valuable programmatic missions. BRD's science programs inform natural resource managers and reduce economic losses from invasive species and pathogens. The BRD provides scientific data that help us understand how ecosystems are influenced by climate change, and that help us address these changes. Research conducted by the BRD addresses the risks of environmental contaminants to our citizens and living resources. The BRD also provides the science necessary to understand and manage endangered fish, wildlife, and plants. All told, these services contribute significantly to the health of our nation's environment and economy.

Federal investment in the BRD is further leveraged through partnerships with other federal, state, local, tribal, and private organizations. Through efforts such as the Cooperative Research Units, the USGS and their partners address pressing issues facing natural resource managers, such as invasive species, wildlife diseases, and endangered species recovery. In addition to providing research expertise, these partnerships at 40 universities in 38 states serve as important training centers for America's next generation of scientists and resource managers. Yet although these joint ventures between USGS scientists and university researchers are effective investments of proven worth, funding for the Cooperative Research Units would decline by \$170,000 under the Administration's budget request.

Also of note within the BRD is the Biological Research and Monitoring budget line, which develops new research methods, inventories populations of plants and animals, and monitors changes in these species and their habitats over time. This information is used by federal and state natural resource managers to maintain healthy and diverse ecosystems while balancing the needs of public use. The science conducted by the Biological Research and Monitoring program is also vital for informing management actions by other Interior bureaus. The President's budget would provide an additional \$4.0 million for USGS science support to the National Park Service, Fish and Wildlife Service, and Bureau of Land Management. We strongly support this increase and encourage Congress to further increase funding for these initiatives.

The National Streamflow Information Program within the Water Resources Discipline of the USGS also provides needed information for resource managers. Its national network of stream-gages records changes in streamflow due to alterations in land use, water use, rainfall, drought, and climate change. This information is vital to resource managers who make decisions about water use, for scientists charged with protecting and restoring aquatic species and habitats, and ultimately for farmers making decisions about crop management.

Additionally, we ask Congress to fully fund fixed costs at the USGS. The President's budget request does not fully fund these expenses, creating a \$13.5 million budget cut for USGS programs. Within the BRD, the absorption of fixed costs will remove \$2.6 million from funds needed for research, monitoring, and public education activities.

The USGS is uniquely positioned to address many of the nation's biological and environmental challenges, including energy independence, climate change, water quality, and conservation of biological diversity. Biological science programs within the USGS gather long-term data not available from other sources. These data have contributed fundamentally to our understanding of the status and dynamics of biological populations and have improved our understanding of how ecosystems function, all of which is necessary for predicting the impacts of land management practices and climate change on the natural environment. This array of research expertise not only serves the core missions of the Department of the Interior, but also contributes to management decisions made by other agencies and private sector organizations. In short, increased investments in these important research activities will yield dividends.

#### **Environmental Protection Agency**

As EPA's scientific division, the Office of Research and Development (ORD) supports valuable extramural and intramural research that is used to understand, prevent, and mitigate environmental problems facing our nation. ORD research informs decisions made by public health and safety managers, natural resource managers, businesses, and other stakeholders concerned about climate change, air and water pollution, and land management and restoration. In short, ORD provides the scientific basis upon which EPA monitoring and enforcement programs are built. Funding, however, for ORD has declined since FY 2004, when it peaked at \$646.5 million. At \$605 million, the budget request for FY 2011 falls far short of addressing past budget deficits. We ask that Congress restore funding for ORD to at least the FY 2004 level.

The Ecosystem Services Research (ESR) program is one important area within ORD that would benefit from increased funding. The ESR is responsible for enhancing, protecting, and restoring ecosystem services, such as clean air and water, rich soil for food and crop production, pollination, and flood control. "EPA's Ecosystem Services Research Program is bold, innovative, and necessary," wrote Dr. Judith Meyer, chair of the Ecological Processes and Effects Committee of the EPA's Science Advisory Board in a 2009 Committee consultation. She also wrote that "[t]he considerable potential of the program is unlikely to be achieved with its current level of funding and staff." The President's budget request would do little to solve the problem, with a proposed \$1.5 million cut in funding for the program. More troubling is potential elimination of FTEs that could accompany this budget cut. We ask that Congress fully fund the program.

The Science to Achieve Results (STAR) Graduate Fellowship is another program that has been chronically underfunded. The fellowship contributes to the training of the next generation of scientists by supporting graduate students pursuing an advanced degree in environmental science. The President's request of \$17.3 million represents the first real increase for the program since FY 2006 and would provide 240 new fellowships. Since its inception in 1995, this successful program has supported the education and training of approximately 1,500 STAR Fellows who have gone on to pursue careers as scientists and educators.

In conclusion, we urge Congress to restore funding for the ORD to historic levels and to proportionally increase funding for human health and ecosystem research within the program. These appropriation levels would allow ORD to address a backlog of research needs.

Thank you for your thoughtful consideration of this request.

***About AIBS***

*AIBS is a nonprofit 501(c)(3) scientific association dedicated to advancing biological research and education for the welfare of society. Founded in 1947 as a part of the National Academy of Sciences, AIBS became an independent, member-governed organization in the 1950s. Today, with headquarters in Washington, DC, and a staff of approximately 50, AIBS is sustained by a robust membership of individual biologists and nearly 200 professional societies and scientific organizations; the combined individual membership of the latter exceeds 250,000. AIBS advances its mission through coalition activities in research, education, and public policy; publishing the peer-reviewed journal BioScience and the education website ActionBioscience.org; providing scientific peer-review and advisory services to government agencies and other clients; convening meetings; and managing scientific programs. Website: [www.aibs.org](http://www.aibs.org)*



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**Statement  
Of the  
AMERICAN PUBLIC POWER ASSOCIATION  
Submitted to the  
HOUSE APPROPRIATIONS COMMITTEE'S  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

**March 19, 2010**

The American Public Power Association (APPA) is the national service organization representing the interests of over 2,000 municipal and other state and locally owned electric utilities in 49 states (all but Hawaii). Collectively, public power utilities deliver electricity to one of every seven electric consumers (approximately 45 million people), serving some of the nation's largest cities. However, the vast majority of APPA's members serve communities with populations of 10,000 people or less.

We appreciate the opportunity to submit this statement outlining our FY 2011 funding priorities within the jurisdiction of the Interior and Related Agencies Subcommittee.

**Environmental Protection Agency: ENERGY STAR Programs**

APPA is disappointed in the modest five percent increase in the EPA ENERGY STAR program. We request an additional \$20 million in funding for the program to bring the total amount to \$75 million.

ENERGY STAR is a voluntary partnership program pairing EPA with businesses and consumers nationwide to enhance investment in underutilized technologies and practices that increase energy efficiency while at the same time reducing emissions of criteria pollutants and greenhouse gases. APPA member systems across the country have been active participants in ENERGY STAR programs to reduce electricity consumption.

According to the EPA, ENERGY STAR is saving businesses, organizations, and consumers more than \$17 billion a year, and has been instrumental in the more widespread use of technological innovations like LED traffic lights, efficient fluorescent lighting, power management systems for office equipment, and low standby energy use.

#### **Environmental Protection Agency: Landfill Methane Outreach Program**

APPA supports robust funding for the Landfill Methane Outreach Program (LMOP) at EPA under the Environmental Program Management, Climate Protection Program budget. While we recognize that LMOP is not a budget line-item, APPA encourages the Committee to highlight the importance of LMOP by including report language directing the EPA to provide adequate funding for the program. The Landfill Methane Outreach Program helps to partner utilities, energy organizations, states, tribes, the landfill gas industry and trade associations to promote the recovery and use of landfill gas as an energy source. According to EPA, LMOP has more than 700 partners that have signed voluntary agreements to work with EPA to develop cost-effective landfill-gas-to-energy (LFG) projects. There are approximately 509 operational LFG projects in the United States. LMOP has also developed detailed profiles for over 530 candidate landfills.

Landfill gas is created when organic waste in a landfill decomposes. This gas consists of about 50 percent methane and about 50 percent carbon dioxide. Landfill gas can be captured, converted, and used as an energy source rather than being released into the atmosphere as a potent greenhouse gas. Converting landfill gas to energy offsets the need for non-renewable resources such as coal and oil, and thereby helps to diversify utilities' fuel portfolios and to reduce emissions of air pollutants from conventional fuel sources.

In 2005, all operational LFG energy projects in the United States prevented the release of 19 MMTCE (million metric tons of carbon equivalent). This reduction is the carbon equivalent of removing the emissions from 13.3 million vehicles on the road or planting 19 million acres of forest for one year. This reduction also has the same environmental benefit as preventing the use of 162 million barrels of oil or offsetting the use of 341,000 railcars of coal.

As units of local and state governments, APPA's member utilities are uniquely positioned to embark on LFG projects. EPA's LMOP facilitates this process by providing technical support and access to invaluable partnerships to our members and the communities they serve.

#### **Council on Environmental Quality**

APPA supports the President's budget request of \$3.4 million for FY 2011 for the White House's Council on Environmental Quality (CEQ), and urges the Subcommittee to maintain this funding level. Public power utilities have experienced a general lack of consistency in federal government regulations, particularly involving environmental issues. While additional layers of government should be avoided, a central overseer can perform a valuable function in preventing duplicative, unnecessary and inconsistent regulations. CEQ is responsible for ensuring that federal agencies perform their tasks in an efficient and coordinated manner.



**American Rivers**  
Thriving By Nature

**Peter Raabe**  
Policy Director for Budget and Appropriations  
American Rivers

American Rivers, on behalf of our 65,000 supporters nationwide urges the Interior, Environment, and Related Agencies Appropriations Subcommittee to provide \$6,231,009 for select programs in the Environmental Protection Agency, The Department of the Interior and the Forest Service for Fiscal Year 2011. I request that this testimony be included in the official record.

#### **1. Environmental Protection Agency**

The **Clean Water and Drinking Water State Revolving Funds (SRFs)** provide capitalization grants to states, which in turn provide low-cost loans to communities for a variety of programs to clean up impaired water bodies, protect pristine waters, and assure reliable clean water supplies. This program has been extremely effective in helping communities to improve water quality and provide safe drinking water. The annual need for clean water funding is close to \$20 billion. Historically, the federal government has provided between 10 and 20 percent of those funds or what should be \$2 to \$4 billion. The funds directed to the states through both the Clean Water and Drinking Water SRF programs needs to be prioritized toward projects that are modern and develop the new 'green economy'. Clean water projects should include nonstructural projects that reduce non-point source pollution, protect estuaries, prevent contamination of drinking source waters, increase water efficiency and reduce polluted runoff by protecting natural areas and other "green infrastructure," such as stream buffers. These approaches are often more cost-effective than traditional pipe and cement options and provide a wide array of environmental and social benefits, including open space, wildlife habitat, recreation, and improved water supply. The drinking water projects should prioritize water efficiency including retrofits of public and private buildings and leak detection and repair programs. These water efficiency projects will be able to save millions of gallons of water per day and are cheaper than other water supply options. American Rivers urges the Committee to appropriate \$2.5 billion for the Clean Water SRF and \$2 billion for the Drinking Water SRF in FY 2010. Additionally, the Green Reserve Program should be continued with no less than 20% of the amount appropriated for the CW and DW SRF reserved for green infrastructure and water efficiency.

**WaterSense** modeled on the highly successful, universally recognized and sought after EnergyStar program- works with local water utilities, product manufacturers, and retailers to encourage the use of water-efficient products and practices among individuals and developers. Water supply is beginning to be the limiting factor in economic growth across the country. Water efficiency is a much more cost-effective way to help local markets manage water supplies than developing new sources. Water supply infrastructure is a major local and federal cost across the United States, and water efficiency can lessen the stress on both water treatment and wastewater treatment systems and extend their useful life. EPA estimates that if all U.S. households installed water-efficient appliances, the country would save more than 3 trillion gallons of water and more than \$18 billion dollars per year, and reduce Americans' water and sewer bills by one-third. Climate change science points toward future summers of greater warmth and less rain, exacerbating the need for better management of our water supplies. Water efficiency programs can produce significant results. Nationwide surveys indicate that over 80% of water utility customers would support some form of water efficiency measure. The WaterSense program has established and

will continue to create water efficiency specifications and promote efficient products and practices. American Rivers urges the Committee to appropriate \$10 million for the WaterSense program in FY 2011.

The establishment of **Total Maximum Daily Loads (TMDLs)** allows states and the Environmental Protection Agency (EPA) to identify all sources of water quality impairment to rivers, streams and lakes that do not meet water quality standards, develop specific goals for improvement, and design plans to reduce pollutant loads into receiving water bodies. The development of strong TMDLs by the states done through funding under Section 106 of the CWA requires a commitment of adequate resources. American Rivers urges the Committee to appropriate \$250 million for State Program Management Grants in FY 2011.

**Non-point Source Management Program (Clean Water Act Section 319)** grant money that states, territories, and Indian tribes can use for a wide variety of non-point source pollution reduction activities including technical and financial assistance, education, training, technology transfer, demonstration projects, and monitoring. American Rivers urges the Committee to appropriate \$250 million for Section 319, the Non-point Source Management Program in FY 2011.

The **Partnership for Sustainable Communities and Community Waters Initiative** is a new collaborative effort started in 2009 by the EPA, DOT, and HUD has a goal of making our communities sustainable and resilient to the impacts of climate change. The partnership integrates housing, transportation, and other infrastructure development through coordinated research, planning and funding. An emphasis will be put on the plight of the urban stream focusing on work to reduce sewer overflows, stop polluted runoff, and remove legacy contamination. American Rivers urges the Committee to appropriate \$10.9 million for the Partnership for Sustainable Communities and \$9.5 million for the Community Water Initiative in FY 2011.

## **2. Wild and Scenic Rivers**

The National Wild and Scenic Rivers System protects free-flowing rivers with outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. The Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service share responsibility for conducting studies to determine if rivers qualify for designation, and administering and developing river management plans for designated rivers. Unfortunately, none of these agencies receive sufficient funding to adequately protect the Wild and Scenic Rivers System, as Congress intended. Streams are becoming degraded and restoration is needed in many locations. Increased funding will allow these agencies to better manage and protect designated rivers and promote their values to the public. American Rivers urges the Committee to appropriate a total of \$48.809 million for the management of the Wild and Scenic River System FY 2011. These funds should be split as follows: U.S. Forest Service- \$9 million for wild and scenic river management, \$6 million for the completion of river studies and the creation of river management plans; BLM's National Landscape Conservation System - \$7 million for WSR management and \$5 million for completion of WSR studies; U.S. FWS- \$1,787,000 for wild and scenic river management, restoration and studies; NPS- National Wild and Scenic Rivers Program- \$200,000 for coordination, Rivers and Trails Studies- \$1 million for

wild and scenic rivers studies and \$16 million for wild and scenic river management; NPS Partnership Wild and Scenic Rivers- \$2.822 million for management of the wild and scenic rivers.

### **3. U.S Fish and Wildlife Service:**

The **Klamath River Restoration** will represent the biggest dam removal and river restoration effort the world has ever seen, restoring access to over 350 miles of salmon habitat, resolving decades-long disputes over water in the basin, and providing greater economic security for fishing, tribal, and agricultural communities. The Klamath Basin Restoration Agreement settles many disputes concerning water and fisheries resources and the Klamath Hydroelectric Settlement Agreement calls for the removal of PacifiCorp's lower four Klamath River dams. The four dams produce a nominal amount of power, which can be replaced using renewables and efficiency measures, without contributing to climate change. A study by the California Energy Commission (CEC) and the Department of the Interior found that removing the dams and replacing their power would save PacifiCorp customers up to \$285 million over 30 years. PacifiCorp will be responsible for much of the costs, but the Department of the Interior will be required to provide on the ground support and technical assistance. American Rivers urges the Committee to appropriate the Klamath River Restoration \$2 million in FY 2011.

The **National Fish Passage Program** has opened nearly 4,000 miles of river and restored tens of thousands of acres of wetlands for fish spawning and rearing habitat. Restoring fish migration enhances entire watersheds and benefits birds and mammals, such as eagles, ospreys, herons, kingfishers, brown bears, otters, and mink. Since its inception in 1999, working with local, state, tribal, and federal partners, the Fish Passage Program has leveraged federal dollars nearly three-to-one. American Rivers urges the Committee to appropriate the National Fish Passage Program \$11 million in FY 2011.

The **Partners for Fish and Wildlife Program** provides financial and technical assistance to landowners to restore degraded habitat on their property. The program completed thousands of projects across the country, restoring more than 150,000 acres of wetlands and more than 300 miles of riverine habitat. American Rivers urges the Committee to appropriate \$60 million for the Partners for Fish and Wildlife program in FY 2011.

The **Coastal Program** is an effective partnership that brings together FWS scientists, land trusts, biologists, and other conservation partners to protect and restore habitat in coastal regions and coastal rivers. These partnerships allow the Coastal Program's dollars to be matched at least two to one for on-the-ground work. The Coastal Program completed hundreds of projects in across the country, restored more than tens of thousands of acres of wetlands and miles of riverine habitat. American Rivers urges the Committee to fund the FWS's Coastal Program at \$25 million in FY 2011.

### **4. National Park Service**

The **Rivers, Trails and Conservation Assistance Program (RTCA)** as helped produce some of the best examples of conservation based on local-federal partnerships by providing communities with assistance to help revitalize riverfronts, protect open space, and build trails and greenways. The RTCA is a good taxpayer value because its projects help leverage substantial local funding.



On average, RTCA partners protect more than 700 miles of rivers, create over 1,400 miles of trails, and conserve more than 63,700 acres of open space each year. American Rivers urges the Committee to fund the RTCA program at \$18 million in FY 2011.

**Elwha River Restoration-** Removal of Glines Canyon and Elwha dams will restore salmon access to the Elwha river's wilderness heart in the Olympic National Park for the first time in 100 years. This dam removal will produce a landmark in river restoration for our national parks and an unprecedented opportunity to study a large dam removal and its impact on the river and wild salmon populations. American Rivers urges the Committee to provide \$20 million to complete the restoration of the Elwha River ecosystem and its fisheries in FY 2011.

#### **5. U.S. Geological Survey**

The water resource investigation programs provide a strong and unbiased source of information on water quality conditions and trends on the health of our nation's rivers and water supply. American Rivers urges the Committee to provide the following amounts in FY 2011:

- **National Water Quality Assessment Program:** \$70 million
- **Toxic Substances Hydrology Program:** \$17.4 million
- **National Streamflow Information Program:** \$28.4 million

#### **6. Land and Water Conservation Fund**

The Land and Water Conservation Fund (LWCF) provides much-needed dollars for purchasing ecologically important watersheds. LWCF has proven highly successful, projects have helped states and localities purchase millions of acres of land and advanced river restoration through acquisition of riverside lands to serve as buffer zones. The highest priority projects for river conservation are the Fish and Wildlife Service's purchase of land for the new Umbagog NWR in New Hampshire (\$4.5 million), 159 acres to be part of the Silvio Conte NFWR in Massachusetts (\$6 million), and 250 acres to be added to the Sevilleta NWR in New Mexico (\$1.5 million); the Bureau of Land Management's purchase of 101 acres in the Crooked Creek WSR in Oregon (\$1.2 million); the National Park Service's purchase of critical parcels below Buford Dam to add to the Chattahoochee River NRA in Georgia (\$3.6 million), 434 acres to complete protection of the 1840-acre Riverstone tract to be part of the Congaree NP in South Carolina (\$1.37 million), and the Forest Service's purchase of 445 acres (the Cedar Creek parcel) to add to the Chattahoochee/Oconee Riparian Project in Georgia (\$1.3 million), 2,214 acres to be added to the Sierra Checkerboard, Tahoe NF in California (\$5.5 million), 3,454 acres around Prickett and Victoria Lakes in the Ottawa National Forest and in tracts in the Hiawatha National Forest in Michigan (\$4.8 million), to purchase 735 acres of Reeb Mining Claims to protect three headwater tributaries of the Yellowstone and Stillwater Rivers adding to the Custer and Gallatin NF in Montana (\$2 million), 160 acres along the Middle Fork Salmon WSR to be added to the Salmon Challis NF in Idaho (\$2.2 million), 157 acres added to protect Valley Creek in the Sawtooth NRA in Idaho (\$4 million), \$2.2 million to protect 65.5 acres in the Coconino National Forest of Arizona, the Gila NF along the San Francisco River protecting 761 acres for a \$1.5 million request, 920 acres added in the Chequamegon Nicolet NF in Wisconsin (\$1.5 million) and 118 acres added to protect the Clarks Fork WSR in the Shoshone NF in Wyoming (\$2.5 million). American Rivers urges the Committee to appropriate \$900 million for the Land and Water Conservation Fund in FY 2011.



AMERICAN  
SOCIETY FOR  
MICROBIOLOGY

*Public and Scientific Affairs Board*

*Statement of the American Society for Microbiology*

*Submitted to the*

*House Appropriations Subcommittee*

*On Interior, Environment, and Related Agencies*

*On the Fiscal Year 2011 Appropriation for the Environmental Protection Agency Science and Technology Programs*

The American Society for Microbiology (ASM) is pleased to submit the following testimony on the Fiscal Year (FY) 2011 appropriation for the Environmental Protection Agency (EPA) science and technology programs. The ASM is the largest single life science organization in the world with more than 40,000 members. The ASM mission is to enhance the science of microbiology, to gain a better understanding of life processes, and to promote the application of this knowledge for improved health and environmental well-being.

The ASM is concerned by the Administration's proposed FY 2011 budget of \$847 million for EPA's science and technology activities, a 0.11 percent increase. The ASM recommends that Congress fund the EPA science and technology programs with at least \$888 million, or a 5 percent increase, in FY 2011 to allow for inflation and program growth. The ASM strongly supports the Administration's proposed FY 2011 budget of \$87.2 million for the STAR program, an increase of \$26 million and encourages Congress to fully fund this imperative grants program.

EPA's science and technology programs are essential for the nation's primary regulatory agency to fulfill its mandate to protect environmental and human health. The EPA has vast oversight responsibilities with direct consequences for human health, from ensuring safe drinking water to tackling complex challenges like global climate change. The ASM is greatly concerned that previous research gains will be quickly eroded unless adequate support is provided in FY 2011 and beyond. Without such support, the EPA cannot maintain the base of scientific knowledge and technologies necessary for its mission.

**Office of Research and Development (ORD)**

The stronger the science, the higher the credibility and efficiency of EPA risk assessments and regulatory decisions. The EPA's wide ranging portfolio is managed by its Office of Research and Development (ORD), which funds R&D at EPA laboratories around the country and at external institutions like universities and industry.

In January, the EPA announced seven priorities that will guide its environmental stewardship in FY 2011 and beyond: 1) taking action on climate change, 2) improving air quality, 3) ensuring the safety of chemicals, 4) cleaning up our communities, 5) protecting America's waters, 6) expanding the conversation on environmentalism and working for environmental justice, and 7) building strong state and tribal partnerships.

The agency has faced major expansion of its regulatory duties in recent years, intensified by rising societal concerns over deteriorating environments and global climate change. EPA regulators and policymakers must have access to up to date scientific tools and expertise, which unfortunately can be quickly undermined by budget shortfalls. The ORD mission is to perform

problem specific research and development, provide responsive technical support to agency wide activities, integrate research from other scientific partners like academia, and provide leadership in risk assessment and management, as well as strategies against emerging environmental issues.

Most of the EPA's basic and applied research occurs in the ORD network of three national laboratories, four national centers, and two offices located at 14 sites across the United States, including the National Center for Environmental Assessment and the National Health and Environmental Effects Research Laboratory. The EPA balances its research strategies to both solve current problems and anticipate future demands, and has realigned its research into integrated, multidisciplinary investigations that are more appropriate to today's challenges. The ORD's current initiatives include areas of particular interest to the ASM's membership: microbial pathogens and disinfection by-products in drinking water, beaches and recreational waters, and global change.

Last April, the EPA issued its update on the effects of global change on regional US air quality. The report synthesizes data from new EPA-funded intramural and extramural research, and future reports will focus on other concerns like particulate pollutants. In 2009, the agency issued a draft finding that greenhouse gases are impacting human health, created incentives for innovations to counter emissions, and outlined new research to better understand how nanomaterials like carbon nanotubes might harm human health and the environment. The EPA reports are founded on extensive scientific evaluations, and emerging technologies that impact EPA regulated sectors like nanotechnology and biotechnology, mandate robust funding for ORD programs. Science and Technology increases in the FY 2011 budget, for example, would purchase next generation tools in computational toxicology needed to strengthen risk assessment capabilities.

#### **Science to Achieve Results (STAR) Grants & Fellowships**

The ASM strongly supports the Administration's proposed FY 2011 budget for the EPA's extramural Science to Achieve Results (STAR) program, of \$87.2 million, a \$26 million increase over FY 2010. The STAR program distributes grants and graduate student fellowships to academic and other institutions. Student fellowships also advance our national initiative to enhance science, technology, engineering, and mathematics (STEM) education. The FY 2011 budget includes \$17.3 million for EPA fellowships, \$14 million of which is allocated to STAR fellowships, an increase of more than \$6 million.

The STAR program provides research grants in environmental science and engineering disciplines to complement EPA's own research. STAR funding opportunities are developed in cooperation with other EPA offices, to focus on areas significant to the EPA mission. An example is the STAR grant that, along with funding from the Department of Agriculture, yielded a 2009 report showing a municipal ban on lawn fertilizer reduced riparian phosphorus levels. STAR grants awarded last year included four to universities to study relationships between the composition of particulate matter and human health effects. The current STAR funding cycle includes grant solicitations for research to assess potential food allergy issues caused by genetically engineered plants.

The ASM supports the Administration's increased support for STAR fellowships; one of several EPA sponsored programs that subsidize STEM education and students in environment related disciplines. The FY 2011 increase will underwrite about 240 new fellowships, in addition to the roughly 120 continuing STAR fellows. At least one student from each of the 50 states, the

District of Columbia, and Puerto Rico has received a STAR fellowship. The FY 2011 awards will be distributed in research areas that are EPA priorities, including climate and clean air, nanotechnology, and green infrastructure. STAR fellowships invest in future technologies, greater scientific understanding, and the nation's growing environmental workforce.

#### **Clean and Safe Water**

By protecting the nation's water resources, the EPA guarantees that Americans benefit from safe drinking water, clean recreational waters, improved watershed environments, and healthy ecosystems.

The Drinking Water Research Program supports relevant EPA regulatory actions and is specifically tasked to provide the scientific foundation for:

- protecting the quality and sustainability of water resources
- ensuring that treatment facilities control waterborne contaminants
- understanding and managing health risks associated with public water supplies
- preventing and mitigating impacts of distribution and storage on water quality
- improving infrastructure reliability and sustainability

There are roughly 154,000 public water systems in the United States, with highly diverse infrastructures and populations served. Oversight of US drinking water supplies demands a multifaceted ORD research program able to respond to shifting challenges like emerging waterborne pathogens. Sound scientific evidence helps policymakers formulate criteria documents and guidances to help states adopt optimal water quality standards.

EPA funded scientists develop methods, models, and tools to analyze and manage waterborne health risks, as well as improve the nation's drinking water infrastructure. Risk assessment tools include cutting edge assays for microorganisms like *Helicobacter pylori*, *Cryptosporidium*, *Giardia*, and blue-green algae in source waters and storage systems. In FY 2009, EPA released its third list of drinking water contaminants encountered in public water systems that might require regulation, including 104 chemical and 12 microbial contaminants. Last year, the agency reported that its ongoing improvements in the Pacific Islands Territories were delivering safe water to 80 percent of the population served by community systems, compared to 39 percent in 2003.

The Water Quality Research Program supports the EPA's mission to protect or restore the aquatic ecosystems tied to the nation's rivers, lakes, coastal regions, and other watersheds. Water quality clearly affects economic well being and public health, whether related to beach vacations or an urban watershed. Researchers provide the scientific background for EPA's regulatory decisions and policies on surface and ground water quality. They have contributed methods to remove harmful algal blooms from fisheries, tools to assess efficacy of wastewater treatment, and models of pollution impacts on specific wildlife populations. Sludge from wastewater facilities can be further processed for use as biosolids fertilizer. About half of all biosolids are being recycled into soil, although they are applied to a small fraction of the nation's agricultural land. As use increases, EPA is evaluating the health effects on nearby watersheds.

EPA's water quality responsibilities have increased steadily; for example, the number of EPA regulated water sources has exploded in recent years from about 100,000 to nearly a million, as risk assessment points beyond the traditional sources like factories to more dispersed sources like feedlots. One third of US waters are evaluated by the 50 states; almost half of these waters do not

meet state standards, and the percentage of “impaired waters” is rising. In January, EPA announced nearly \$10 million in “beach grants” to help protect swimmers against waterborne illness; the agency estimates that US beaches serve 180 million Americans, support more than 28 million jobs, and generate billions of dollars for businesses each year. The EPA also is accepting challenges of larger scope, such as its new five year plan to restore the Great Lakes, which hold 20 percent of the world’s fresh water, and its Mississippi River Basin initiative, both funded in the proposed FY 2011 budget. FY 2011 funding will provide much needed support for the expanding demands on the ORD’s water assessment capabilities.

#### **Climate Change**

Climate change threatens our environment and is a challenge to both society and science. It is considered by many to be one of the defining issues of the 21<sup>st</sup> century. Science and politics have intertwined as governments determine the best ways to mitigate or prevent the negative effects of climate change, as well as how to adapt to the eventual outcomes. So much is unknown, and scientists are trying to understand how climate change might impact both biological and physical systems worldwide from altered disease demographics and human displacement to disrupted microbial communities. The FY 2011 budget request for EPA science and technology includes \$22 million for research on air quality and climate change.

The EPA is one of 13 US federal agencies and departments comprising the US Climate Change Science Program, established in 2002 to coordinate and integrate scientific research on climate change, as well as assist in federal policymaking. The ORD’s Global Change Research Program (GCRP) provides methods, models, assessments, and other decision support tools to study the impacts on air and water quality, aquatic ecosystems, public health, and socioeconomic systems in the United States. The EPA utilizes GCRP results to support informed discussions on climate change, prepare its policy recommendations, and investigate potential adaptation strategies. GCRP research has included studies on protecting drinking water systems from rises in sea level, and preventing climate related sewer system overloads.

The GCPD program released last year’s EPA report on global change effects on air quality and ground level ozone, concluding that climate change must be considered by air quality managers as they develop future pollution control strategies. In February, the ORD announced STAR grants awarded to 25 US universities, a total of \$17 million, to study climate change as related to allergies, air quality, water resources, or carbon sequestration. In January, the agency announced new grants available for research on methane capture and use. Additionally, the EPA conducts research on the environmental impact of biofuels, relevant to future alternative fuel policies.

#### **Conclusion**

Advances in science and technology shape how we choose to protect our environment, whether restoring ecosystems damaged by pollution or wrestling with the myriad causes and effects of climate change. Challenges faced by the EPA are those faced by people worldwide. Overcoming these challenges depends on strong and reliable funding to support EPA’s science and technology programs. The EPA requires sound scientific information to meet its mandates to protect human health and the environment. The ORD is an integral component for conducting research needed to answer many of the challenges we face, such as climate change, renewable energy, and provision of clean and safe water.

The ASM appreciates the opportunity to provide written testimony and would be pleased to assist the subcommittee as it considers the FY 2011 appropriation for the EPA.



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Subcommittee on Interior, Environment, and Related Agencies Committee on Appropriations  
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U.S. House of Representatives  
Washington, DC 20515

**RE: FY 2011 Appropriations—Support for U.S. Forest Service, U.S. Geological Survey and U.S. Environmental Protection Agency**

Dear Chairman Moran, Ranking Member Simpson and Members of the Subcommittee:

On behalf of the **American Society of Agronomy (ASA)**, **Crop Science Society of America (CSSA)**, **Soil Science Society of America (SSSA)**, I am pleased to submit comments in *strong support of enhanced public investment in the U.S. Forest Service, U.S. Geological Survey and U.S. Environmental Protection Agency* as critical components of federal appropriations for FY 2011 and beyond. With more than 25,000 members and practicing professionals, ASA, CSSA, and SSSA are the largest life science professional societies in the United States dedicated to the agronomic, crop and soil sciences. ASA, CSSA, and SSSA play a major role in promoting progress in these sciences through the publication of quality journals and books, convening meetings and workshops, developing educational, training, and public information programs, providing scientific advice to inform public policy, and promoting ethical conduct among practitioners of agronomy and crop and soil sciences.

**Summary**

ASA, CSSA, and SSSA understand the budgetary challenges the House Interior and Environment Appropriations Subcommittee faces in FY 2011. We also recognize that the Interior and Environment Appropriations bill has many valuable and necessary components, and we applaud the efforts of the Subcommittee to fund the *U.S. Forest Service, U.S. Geological Survey and U.S. Environmental Protection Agency*.

The *U.S. Forest Service* sustains the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. Soils are a vital component of forest management, and their understanding is essential to achieve the agency's strategic goals, yet vital programs that are essential for improved soil quality have been consistently underfunded.

The Societies are concerned with past transfers of funding for the *Forest Service*

away from base programs to support wildland fire suppression. For the *Forest Service*, ASA, CSSA, and SSSA recommend that the Subcommittee appropriate \$5.6 billion, a 5% increase over FY 2010, putting the agency back on track towards properly managing the 749 million acres of forests in the U.S. for the services they provide: clean water and air; recreational opportunities; hunting; fishing; forest products; and, scenic values.

The *U.S. Geological Survey* provides reliable scientific information to describe and understand the Earth; minimize loss of life and property from natural disasters; and protect the nation's natural resources. For FY 2011, we recommend \$1.3 billion for the *U.S. Geological Survey*. Only a concerted, long-term effort to boost USGS funding will produce the knowledge and tools needed to appropriately manage and meet the many challenges facing the nation's water, biological, energy, and mineral resources, while enhancing and protecting our quality of life.

In order to fulfill its mission, the *U.S. Environmental Protection Agency* needs increased investments in socioeconomic, sustainability, ecological, and exploratory research as well as partnerships with academia and state and local government. These areas are essential to move environmental protection from a command-and-control regulatory system to a more rational, compliance-based approach. For *EPA Science and Technology*, for FY 2011, ASA, CSSA, and SSSA recommend a funding level of \$888 million a 5% increase over FY 2010.

#### *U.S Forest Service*

##### **Forest and Rangeland Research**

ASA, CSSA, and SSSA applaud the increase provided by the Subcommittee for *Forest and Rangeland Research* in FY 2010. For FY 2011, we recommend increasing *Forest and Rangeland Research* funding by 7% bringing total funding to \$334 million.

Soil is the natural filter, often overlooked, vital for healthy watersheds. Past investments in NFS have yielded enormous benefits to society. Soil scientists annually provide critical soil resource information to *Burned Area Emergency Response* teams evaluating the environmental effects and developing rapid management responses for hundreds of wildfires. The NFS developed the CarbonPlus Calculator ([http://nrs.fs.fed.us/carbon/local-resources/downloads/CCT\\_NRS13.pdf](http://nrs.fs.fed.us/carbon/local-resources/downloads/CCT_NRS13.pdf)) to help land owners estimate their forest carbon dioxide (CO<sub>2</sub>) emissions. The calculator provides tips on how to reduce carbon footprints and teaches users about the benefits of planting trees to absorb carbon.

##### **National Forest System**

ASA, CSSA, and SSSA support a funding level of \$182 million, a 7% increase, for *Inventory and Monitoring* program in FY 2011. Strong funding for *Inventory and Management* will allow USFS to continue efforts to inventory remaining National Forest land. This would support a comprehensive carbon inventory for forest ecosystems as well as provide other information critical to understand U.S. forest systems.

The FY 11 budget proposes establishment of the *Integrated Resource Restoration* budget line by combining the *Wildlife and Fisheries Habitat Management*, *Forest Products*, and the *Vegetation and Watershed Management* budget lines, as well as the *Collaborative Forest Landscape Restoration Fund (CFLRF)* and the *Watershed Improvement and Job Stabilization* lines.

The ***Integrated Resource Restoration*** program will facilitate implementation of the USDA priority for focused, large-scale ecosystem restoration and provide ecosystem services that are important to the public including clean and abundant water, renewable energy from biomass, restored wildlife and fish habitat, and resilient forests and rangelands. ASA, CSSA, and SSSA support appropriation for the ***Integrated Resource Restoration*** line at \$715 million, a 7% increase over FY 10 and \$21 million greater than requested in the President's budget.

**Office of Ecosystem Services and Markets (USDA Office of Environmental Markets)**

ASA, CSSA, and SSSA support appropriation of \$2 million to support the mission and goals of the ***USDA Office of Environmental Markets (OEM)***. The OEM was established to support development of new opportunities for American agriculture and forestry through environmental services markets.

***U.S. Geological Survey***

**Geographic Research, Investigations, and Remote Sensing**

Land use and change are major issues of concern for the nation. Satellite imagery is used by a variety of stakeholders: government agencies such as USGS, EPA, NSF, and USDA; Universities-land grants and private; and private sector environmental managers and planners. Precision agriculture utilizes remote sensing, in combination with GIS and GPS, to develop farm-specific management maps reducing over-application of nutrients and loss in sensitive areas.

ASA, CSSA, and SSSA are supportive of the President's request for ***Geographic Research, Investigations, and Remote Sensing*** for FY11 and recommend a funding level of \$153 million. We urge the Subcommittee to fund the ***Geographic Analysis and Monitoring program*** at \$11.7 million, a 5% increase over FY 2010. This funding level will help ensure access to a common set of current, accurate, and consistent data and scientific information that describe the Earth's land surface to help inform decisions by policymakers, resource managers, researchers, citizens, and the private sector.

**Water Resources Investigations**

Water is a limiting resource for many regions of the United States; certain regions have been in a sustained drought for years. Aquifers are the leading source of fresh water across the country. Therefore it is essential that we monitor and maintain this ecosystem service. Nutrient loading of the Mississippi River has been linked to the hypoxia zone in the Gulf of Mexico. As more farm acreage is converted to crops to be converted into biofuels, there is a growing potential for these systems to load major river systems with unwanted nutrients and sediments. ASA, CSSA, and SSSA recommend \$168 million in funding, a 5%, for ***Hydrologic, Monitoring, Assessments and Research (HMAR)*** for FY 11. Within ***HMAR***, critical programs—***Ground Water Resources, Toxic Substances Hydrology, and Hydrologic Research and Development***—deserve special funding consideration.

**Biological Research**

For FY 11, ASA, CSSA, and SSSA recommend funding for ***Biological Research*** be increased to \$215 million, an increase of 5% which will provide strong support for ***Biological Research and Monitoring, Biological Information Management and Delivery, and Cooperative Research Units***.



### Science Support

Climate change is a major focus for many agencies in FY 2011 and ASA, CSSA, and SSSA which are interested in the role agriculture can play to mitigate climate change. ASA, CSSA, and SSSA support the President's requested \$72.1 million for FY 11. We find that the need to identify new tools that help land managers adapt to climate change is an essential endeavor. We applaud the Subcommittee for its foresight and encourage it to fund USGS Climate Research at this level so the DOI can continue to expand much needed work in the areas of *biological carbon sequestration* and *science applications and decision support*.

### US Environmental Protection Agency

In order to fulfill its mission, EPA needs increased investments in both its intramural and extramural science programs as well as associated services such as environmental education and libraries. ASA, CSSA, and SSSA recommend that EPA increase investments in socioeconomic, sustainability, ecological, and exploratory research as well as partnerships with academia and state and local government. These areas are essential to move environmental protection from a command-and-control regulatory system to a more rational, compliance-based approach.

For *EPA Science and Technology*, for FY 11, ASA, CSSA, and SSSA recommend a funding level of \$888 million a 5% increase over FY 10. The *Office of Research and Development (ORD)* is the scientific research arm of EPA. The ORD funds and conducts essential research in pollution prevention; air, water, and soil dynamics; and management and behaviors to improve the way we use and conserve our resources.

To help enhance workforce development by recruiting outstanding scientists to participate in the *Science to Achieve Results (STAR)* program, ASA, CSSA, and SSSA ask the Subcommittee to place special emphasis on funding for this program. The STAR program has not only provided an outstanding source of research results during its tenure, it has also trained bright young minds to explore and expand the basic concepts behind environmental science and related innovations.

For the *National Estuary Program / Coastal Waterways program*, we recommend an appropriation of \$35 million. Finally, for the *Wetlands program*, we recommend an appropriation at the President's requested level of \$28 million, for FY 11. The study of wetlands occurs under EPA's Office of Research and Development, Ecosystem Services Research Program (ESRP). The program emphasizes the study of wetland ecosystem services to provide the decision support tools needed to target, prioritize, and evaluate policy and management actions that protect, enhance, and restore the ecosystem goods and services provided by wetlands.

Thank you for your thoughtful consideration of our requests. For additional information or to learn more about the American Society of Agronomy, Crop Science Society of America and Soil Science Society of America (ASA-CSSA-SSSA), please visit [www.agronomy.org](http://www.agronomy.org), [www.crops.org](http://www.crops.org) or [www.soils.org](http://www.soils.org) or contact ASA-CSSA-SSSA Director of Science Policy Karl Glasener by email ([kglasener@agronomy.org](mailto:kglasener@agronomy.org), [kglasener@crops.org](mailto:kglasener@crops.org), or [kglasener@soils.org](mailto:kglasener@soils.org)) or by phone: 202-408-5382



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**Position Statement on the Fiscal Year 2011 Budget Request for the  
Environmental Protection Agency (EPA) Science and Technology (S&T) Programs  
Submitted by the ASME Environmental Protection Agency (EPA) Task Force  
of the ASME Environmental Engineering Division**

**March 30, 2010**

Mr. Chairman, Ranking Member, and Members of the Subcommittee:

The ASME Environmental Protection Agency Task Force is pleased to provide this testimony on the Fiscal Year 2010 (FY 2011) budget request for research and development programs in the Department of Energy (DOE).

Introduction

The 127,000-member ASME is a nonprofit, worldwide educational and technical Society. It conducts one of the world's largest technical publishing operations, holds more than 30 technical conferences and 200 professional development courses each year, and sets some 600 industrial and manufacturing standards.

Background

Scientists and engineers have a long-standing professional interest in applying S&T to improve the environment and human health in the U.S. Mechanical engineers increasingly collaborate with other professionals to develop innovative and cost-effective environmental technologies and systems.

The EPA plays an essential role in the nation's efforts to protect human health and safeguard the environment, and EPA's S&T research and development (R&D) activities are instrumental in improving environmental protection in a sound, sustainable, and cost-effective manner. R&D efforts are needed to improve environmental health and ecology, environmental monitoring, environmental technology development and implementation. Additionally, pollution prevention is also necessary in order to address the emerging concerns of climate change, as well as the environmental issues of homeland security and infrastructure protection.

The FY 2011 budget request for EPA is \$10.02 billion, a \$277 million decrease from the FY 2010 appropriated amount of \$10.3 billion. The EPA's Science and Technology Directorate would be essentially flat at \$846.7 million in FY 2011, up slightly from the \$846 million appropriated amount for FY 2010. After several years of funding decreases, followed by a significant boost to funding for FY 2010, the EPA Task Force feels that a higher appropriation is warranted for FY 2011. The R&D funds are needed in order to enhance study responses to climate change, terrestrial carbon sequestration and management, biofuels and oil shale waste issues, and nanotechnology development.

Overview of the ASME Task Force Review

We will focus our analysis on the R&D activities of the S&T portfolio within the EPA's Office of Research and Development (ORD) and the Superfund program that support eight strategic programmatic research areas:

- I. Clean Air and Global Climate Change
- II. Clean and Safe Water
- III. Land Preservation and Restoration
- IV. Human Health and Ecosystems
- V. Compliance and Environmental Stewardship
- VI. Toxic Research and Prevention
- VII. Sustainability
- VIII. Homeland Security

The change in funding levels supporting these core objectives between FY 2010 and FY 2011 is as follows:

	<u>FY 2010</u>	<u>FY 2011</u>	<u>Change</u>
Clean Air Research	\$ 102.7M	\$ 107.3M	\$+4.6M
Clean Water	\$ 111.0M	\$ 121.1M	\$+10.1M
Land Protection and Restoration	\$ 14.1M	\$ 13.8M	\$-0.3M
Human Health and Ecosystems	\$ 246.8M	\$ 256.2M	\$+9.4M
Toxic Research and Prevention	\$ 27.3M	\$ 27.6M	\$+0.3M
Sustainability	\$ 27.2M	\$ 25.2M	\$-2.0M
Homeland Security	\$ 65.2M	\$ 51.3M	\$-13.9M
	\$ 594.3M	\$ 602.5M	\$+8.2M

#### EPA Office of Research and Development

Through research and technical assistance, ORD provides the scientific foundation for EPA by performing research and development to identify and solve present and future environmental issues and providing responsive technical support to its scientific partners. The ORD administers programs addressing both foundational research to improve the scientific tools used to understand and evaluate environmental health as well as problem-driven research designed to provide scientific solutions to high-priority environmental problems. It is an invaluable national resource. We note that the ORD workforce has declined by over 10% over the past several years and now is not sufficient to permit action on various topics of national importance. Effort should be made to "rightsized" the ORD staff so that it can continue to support R&D on current and future environmental problems.

We support the increases requested for the EPA's S&T directorate, which reverses several years of funding decreases. An evaluation of EPA's resources is needed to ensure that it can balance between existing priorities and new challenges. Program specifics issues are outlined below:

#### Clean Air Research

	<u>FY 2010</u>	<u>FY 2011</u>	<u>Change</u>
Global Change	\$ 20.8M	\$ 21.9M	\$+1.1M
Clean Air	\$ 102.7M	\$ 107.3M	\$+4.6M
	\$ 123.5M	\$ 129.2M	\$+5.7M

The EPA Task Force views Global Change as a critical issue and is supportive of this increase in funding. We urge Congress to appropriate these additional funds for Global Change to at least the FY 2011 requested level. *The Task Force supports the current request for Clean Air and Global Change Research.*

Clean Water Research

	<u>FY 2010</u>	<u>FY 2011</u>	<u>Change</u>
Clean Water	\$ 111.0M	\$ 121.1M	\$+10.1M

Overall, the FY 2011 budget request calls for an increase of about \$10 million over the FY 2010 appropriated amount. This increase will help support the long-term development of infrastructure related to water quality issues. *The Task Force is pleased with the increases for Clean Water Research and urges Congress to sustain funding for the Drinking Water and Water Quality programs consistent with the FY 2011 request.*

Land Protection and Restoration

	<u>FY 2010</u>	<u>FY 2011</u>	<u>Change</u>
Land protection research:	\$14.1M	\$13.8M	\$-0.3M

The \$311,000 decrease in land protection and restoration research comes as ecosystem research and sustainability and environmental management are being raised. Still, further support would greatly assist this program with studies related to the impact of carbon sequestration, something that may be implemented in the U.S. This research is expensive but necessary. Therefore, *the Task Force recommends that additional funding for land protection and restoration be appropriated for FY 2011.*

Sustainability Research

	<u>FY 2010</u>	<u>FY 2011</u>	<u>Change</u>
Sustainability	\$ 27.3M	\$ 25.3M	\$-2.0M

Funding for Sustainability research is slated for a decrease of almost \$2 million for this year. *The Task Force recommends that funding for sustainability research be funded at the previously appropriated levels for FY 2010.*

Toxic Research and Prevention

	<u>FY 2010</u>	<u>FY 2011</u>	<u>Change</u>
Toxic Research and Prevention	\$ 27.3M	\$ 27.6M	\$+0.3M

Funding for Toxic Research and Prevention is slated for an increase of \$298,000 for FY 2011. *The Task Force recommends that funding for Toxic Research and Prevention be appropriated at requested levels for FY 2011.*

Human Health and Ecosystems

	<u>FY 2010</u>	<u>FY 2011</u>	<u>Change</u>
Endocrine disruptors	\$ 11.4M	\$ 17.4M	\$+6.0M
Fellowships	\$ 11.1M	\$ 17.3M	\$+6.2M
Computational toxicology	\$ 20.0M	\$ 21.8M	\$+1.8M
	\$ 42.5M	\$ 56.5M	\$+14.0M

The Task Force supports the FY 2011 proposed budget for ecosystems research, which will foster new technologies that minimize future environmental damage. The Task Force is also very pleased to see such a bold increase for Fellowships. Although other agencies are receiving increased funding for research to support long-term energy reliability and sustainability, such as oil shale, biofuels, and carbon capture and sequestration, EPA has not received funding to assess the ecosystem impacts of these major initiatives.

Homeland Security

	<u>FY 2010</u>	<u>FY 2011</u>	<u>Change</u>
Water Sentinel	\$ 18.5M	\$ 11.6M	\$-6.9M
Decontamination	\$ 24.8M	\$ 21.7M	\$-3.1M
	\$ 43.3M	\$ 33.3M	\$-10.0M

Homeland security activities are a significant element of EPA's S&T activities, focusing on critical infrastructure protection and disaster preparedness and response. *The Task Force plans to review the proposed cuts to insure that the reductions do not delay the completion of the program's objectives.*

Environmental Education

The FY 2011 EPA budget requests \$17.3 million to support research fellowships, a large increase from the previous fiscal year. The STAR (Science to Achieve Results) fellowship program is the only federal fellowship program designed exclusively for students pursuing advanced degrees in environmental sciences and engineering. This is an important investment and the Task Force fully supports this program. *The Task Force is pleased with the proposed increase. It is essential to encourage students to pursue careers in environmental science and engineering. Such investments are critical to addressing environmental concerns, bolstering our nation's workforce, and maintaining its competitiveness.*

Conclusion

The Administration's FY 2011 request is generally flat overall, while this is appropriate within current budget constraints, the Task Force requests that additional funding for the Homeland Security programs be considered and added if necessary to insure security enhancements to our water supply are not delayed nor disrupted.

The proposed FY 2011 EPA Science and Technology budget includes increases for a number of program areas, specifically Clean Air, and Research Fellowships, and the overall research budget has decreased slightly from last fiscal year's historic highs. This is necessary to preserve EPA's important contribution in meeting the challenges of our natural resource and policy issues in compliance with its regulatory mission.

*This statement represents the views of the EPA Task Force of the Environmental Engineering Division (EED) of ASME's Technical Communities and is not necessarily a position of ASME as a whole.*

March 31, 2010

The Honorable James Moran  
Committee on Appropriations  
Chairman  
Interior and Environment Subcommittee  
2239 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Mike Simpson  
Committee on Appropriations  
Ranking Member  
Interior and Environment Subcommittee  
2212 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman and Ranking Member,

The American Sportfishing Association (ASA) recommends the following as the Subcommittee considers appropriations for the Department of Interior for FY 2011. ASA is the sportfishing industry's trade association, committed to looking out for the interests of the entire sportfishing community. We give the industry a unified voice, speaking out when emerging laws and policies could significantly affect sportfishing business or sportfishing itself. We invest in long-term ventures to ensure the industry will remain strong and prosperous as well as safeguard and promote the enduring economic and conservation values of sportfishing in America.

ASA makes these recommendations on the basis of briefings with agency staff and from years of experience with fisheries management in this Nation.

#### **U.S. Fish and Wildlife Service**

National Fish Habitat Action Plan - ASA and its member companies pride themselves on being conservationists first and foremost. The sportfishing industry is dependent upon healthy and abundant fish populations and habitat being available to the public. The landscape scale projects now being conducted by partnerships under the umbrella of the National Fish Habitat Action Plan will help to ensure our nation's aquatic resources are conserved and available for future generations to enjoy through recreational fishing and boating. Because it will provide a significant boost to America's fisheries resources and the recreational fishing community, ASA fully supports the National Fish Habitat Action Plan.

Implementation of the National Fish Habitat Action Plan is well underway and making important strides in aquatic habitat conservation all across the United States. The Fish and Wildlife Service has been a strong leader and state partner in the implementation of the Plan, and we appreciate the Administration's continuing strong commitment to it. Service appropriations in recent years have been instrumental in delivering habitat improvement projects on the ground, in cooperation with the states and in consultation with the National Fish Habitat Board, and in supporting the Board's work. The FY2011 budget recommendation is level funded at \$7.2 million. Given that 17 Fish Habitat Partnerships have now been recognized by the Board and that there are a number of planning milestones to achieve in 2011 (e.g., completion of a national fish habitat assessment), *ASA recommends an appropriation of \$10.0 million to assure adequate financial resources for these base operational needs.*

National Fish Hatcheries - ASA recognizes the importance of developing ecosystem-based solutions for restoring, conserving, and managing native fish populations. National Fish Hatcheries are an important tool in support of that goal, providing stocks to supplement or jump-start restoration efforts for at-risk species such as Pacific and Atlantic salmon, several

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species of trout, pallid sturgeon, and freshwater mussels – many of which are identified as species of concern in the state wildlife action plans. ASA is concerned that the Administration's FY2011 budget request of \$50.307 million cannot sustain all national fish hatchery operations and reverses a multi-year priority of the Service, the sportfishing industry and states to adequately address the aquatic resource mission of the agency. ASA believes that continued, long-term funding is critical to prevent hatchery closures. *Therefore, ASA recommends funding for National Fish Hatchery Operations at the FY2010 enacted level of \$54.370 million.*

*ASA also supports funding at the level of \$485,000 for ongoing operation of the Ouray Fish Hatchery which is critical in the Upper Colorado River restoration effort.*

ASA is very concerned about the nearly \$2.0 million reduction in the Aquatic Invasive Species program area. Prevention, control and management of aquatic invasive species is vital to continuing priority actions intended to protect aquatic wildlife and water resources. These actions include such activities as implementing enforceable inspection and decontamination at infested waters to prevent the spread of aquatic invasive species like quagga and zebra mussels, and interdiction at waters that remain at high risk of infection. *We therefore, recommend this program be funded at the FY2010 enacted level of \$8.244 million.*

National Wildlife Refuge System - ASA deeply appreciates the Subcommittee's vision and leadership regarding the funding increases realized in FY 2008 through FY 2010, and the 2009 American Recovery and Reinvestment Act (Recovery Act). While it does not reduce the annual needs of the National Wildlife Refuge System, the Recovery Act is providing a jolt to local economies by providing refuges across the country with the means to hire local contractors and purchase local materials for important infrastructure and habitat restoration projects. Following a period of essentially flat annual budgets, the recent increases in annual appropriations allowed for the suspension of workforce downsizing plans that called for an eventual 20 percent reduction in overall staffing levels. However, with more than 10 percent of staff already eliminated since 2004, additional funding increases that build upon the last three years are essential if this valued system of conservation lands is to rebound to its full potential. With the goal of fulfilling the progressive conservation vision that President Theodore Roosevelt first espoused more than a century ago, *ASA respectfully requests a FY 2011 funding level of \$578 million for the Operations and Maintenance accounts of the National Wildlife Refuge System.*

Great Lakes Fish and Wildlife Restoration Act - *ASA recommends that Congress fund the Great Lakes Fish and Wildlife Restoration Act (GLFWRA) in FY2011 at its full authorization of \$16 million, and to include funding for the proposed "Great Lakes Mass Marking Initiative."* The GLFWRA supports the Service's mission in the Great Lakes region. Since major reauthorizations in 1996 and 2006, this act has supported essential projects to conserve native fish and wildlife species, understand the impact of invasive species, restore habitat, and undertake other projects related to the health of the Great Lakes ecosystem. Projects under the Act require a non-federal cost-sharing partner, so the program fosters collaboration among federal, state, tribal, and local interests. The GLFWRA also authorizes regional projects that benefit the Great Lakes basin as a whole.

One proposed regional project, the "Great Lakes Mass Marking Initiative," is a cooperative undertaking among federal, state, and tribal authorities to employ new technologies to mark all hatchery reared fish that are stocked into the Great Lakes. Currently, not all stocked fish are marked or coded-wire-tagged, which limits the information fishery managers have about

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the status of the fishery and their restoration efforts. The mass marking technology—known as the AutoFish system—has been used with great success in the Pacific Northwest, where all stocked fish must, by law, be marked and coded-wire-tagged. The fishery management agencies of the Great Lakes region have explored the use of this mass marking technology, have field-tested its applicability, and have concluded that the marking of all hatchery reared fish would significantly enhance Great Lakes fishery management and research. Fishery managers, working together, have proposed this mass marking technology for funding under the GLFWRA. Full funding for the GLFWRA, and funding for the Great Lakes Mass Marking Initiative, are needed for the service to continue its important role in Great Lakes restoration. *ASA requests the full authorization of \$16 million for the GLFWRA, including full funding for the Great Lakes Mass Marking Initiative.*

Atlantic Salmon - Atlantic salmon management in the Connecticut River is an important multi-state and agency restoration effort. Although primarily supplemented by hatchery production, a long-term goal is the establishment of a self-sustaining population. Management of genetic diversity is critical to achieve this long-term management goal. Due to very few adult Atlantic salmon returning to the Connecticut River, genetic concerns such as inbreeding and estimates of genetic diversity are potential threats to the long-term sustainability of the population. Monitoring the genetic diversity and variability of broodstock and sea-run returners is important to management and greatly assists other program evaluation efforts. *ASA supports the addition of \$250,000 to the Service budget to complete this work.*

ASA is also concerned with proposed cuts to the Fish and Wildlife Assistance Program component. ASA is concerned with elimination of several earmarks that provide funds for ongoing projects that support critical state management functions. Specifically, ASA is concerned with the elimination of the funding that supports the West Coast Regional Mark Processing Center, the Washington State Mass Marking Program, and the National Partnership for the Management of Wild and Native Coldwater Fisheries. *ASA urges Congress to restore funding for these programs.*

#### **Bureau of Land Management (BLM)**

Fisheries Management - The BLM Fisheries Program continues to sustain the deep budget cut taken in FY2008, funded at a slightly increased amount of \$13,765 in FY2010, to support the National Landscape Conservation System program. *ASA opposes the reduction requested by the Administration to \$13.516 million in FY2011 for the Fisheries Management Subactivity.* ASA remains deeply concerned about this permanent reduction in funding brought about by program transfers during establishment of the National Landscape Conservation System.

Energy development, especially coalbed methane gas, is greatly impacting fisheries. BLM fisheries staff funding is woefully inadequate to address these issues or provide necessary input into the BLM's Resource Planning. Currently, non-aquatic specialists are providing much of the BLM Fisheries Program work, with many not possessing aquatic expertise or interest. To adequately implement current program levels the BLM needs an additional 10.5 full time employees in the aquatic specialist series. *ASA strongly encourages Congress to provide a significant increase over the FY2010 enacted level for the Fisheries Management Subactivity - to a total of \$20.0 million - in order to address pressing fisheries needs throughout the agency. Within this requested \$6.5 million increase, ASA requests an annual increase of \$750 thousand specifically for hiring new staff within the fisheries program.*



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Riparian Management Activity - ASA supports the BLM attention and project application directed at riparian areas, but remains concerned that the requested \$22.632 million for this program, which is an \$86,000 decrease from the FY2010 enacted level, falls far short of meeting many of the identified needs. *ASA opposes the Administration's proposal to reduce base funding for these fundamental responsibilities by \$200,000; instead, ASA requests that Congress add \$1.386 million to the Administration's request to address its long standing responsibilities. ASA also urges BLM to continue its coordination with State fish and wildlife agencies and other federal bureaus in order to achieve goals outlined in the National Fish Habitat Plan and to improve water quality on BLM-managed lands.*

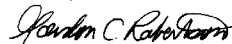
#### **U.S. Forest Service**

National Forest System Line Item - ASA has expressed concerns about the Forest Service budget structure for fish and wildlife, because it makes it very difficult to understand the budget request and to make meaningful comparisons with the previous year's appropriations. In FY2011, the Forest Service is proposing to merge several programs and their budgets - Vegetation and Watershed Management, Wildlife and Fisheries Habitat Management, and Forest Products - into a single Integrated Resource Restoration activity. While ASA commends the Forest Service for working to better coordinate programs within the agency, we are concerned about the melding of activities and money and believe that without specific budget line items and expenditures for specific purposes this proposed approach will make accountability to the state partners, the public, and Congress even more difficult. It is also counter to a 2004 recommendation made to the Forest Service after a nationwide evaluation of the agency's fisheries program. In that report, the merging of budget line items and the subsequent lack of accountability was highlighted and recommendations were made to separate budget line items. *We respectfully request that Congress require individual line items specific to fish, wildlife, and endangered species and habitat management be established in the FY2011 budget and similarly, that expenditures be tracked and reported in the same manner.*

This breakdown would vastly improve performance accountability and improve opportunities for integrated activities with the state fish and wildlife agencies. We encourage the Forest Service to communicate to leadership at all levels that the expectation is that fish and wildlife needs should be considered and incorporated as projects are designed and implemented. Further, we suggest that the Forest Service establish planning and accountability protocols to ensure adequate attention to fish and wildlife needs. *Having stated those reservations, ASA supports the request of \$693.772 million for Integrated Resource Restoration and urges the Forest Service to be more forthcoming demonstrating spending accountability on the ground.*

The sportfishing industry has long depended on the strong management of our nation's fisheries by the federal agencies within the Department of Interior. We look forward with working with the Subcommittee to ensure that the conservation of our nation's fisheries is upheld for the recreational enjoyment of our nation's citizens, which in turn leads to a healthy and robust sportfishing industry. Thank you for your consideration.

Sincerely,



Gordon Robertson  
 Vice President, American Sportfishing Association

**Amigos de la Sevilleta  
P.O. Box 1248 Socorro, NM 87801  
Nyleen Troxel Stowe, President**

**Testimony of  
In Support of Land and Water Conservation Fund funding  
At Sevilleta National Wildlife Refuge, New Mexico  
U.S. Fish and Wildlife Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of acquiring land at Sevilleta National Wildlife Refuge in New Mexico. An appropriation of \$1.5 million is needed in FY 2011 from the Land and Water Conservation Fund in order for the U.S. Fish and Wildlife Service to acquire the 250-acre first phase of the 1,250-acre Indian Hill Farms property.

Covering an area of approximately 360 square miles and located just 40 miles south of Albuquerque, the largest city in the state, the Sevilleta National Wildlife Refuge serves as a vast protected landscape in the heart of New Mexico. The refuge supports four major ecological habitats, encompassing two mountain ranges and containing approximately four miles of the Rio Grande River. Much of the refuge is managed to enhance riparian habitat and compensate for marsh loss along the Rio Grande basin. The refuge provides important habitat for a large variety of birds, insects, reptiles, and mammals such as beaver, coyote, bobcat, fox, jackrabbit, and elk. Parts of the refuge are flooded from November to February in order to provide habitat for migrating shorebirds and waterfowl including herons, ducks, geese, and sandhill cranes. The refuge is also managed to combat nonnative species such as the extremely invasive salt cedar. This nuisance species is being cleared and replaced with native willow and cottonwood to restore the natural bosque/riparian habitat native to the area.

Available for acquisition in FY 2011 is the first 250-acre phase of the 1,250-acre Indian Hill Farms property, which lies adjacent to three miles of the Rio Grande as well as current refuge lands. Indian Hill Farms comprises over 600 acres of prime irrigated farmland and a very significant quantity of senior water rights which will provide the refuge with excellent opportunities for the creation of wildlife habitat, including moist soils, wetlands, and restored river bosque. The Sevilleta NWR is home to the second largest population of the endangered Southwestern willow flycatcher along the Rio Grande River. If Indian Hill Farms is added to refuge ownership, there are plans to restore a portion of the property to provide additional prime flycatcher habitat. Because the farm is the first to take water rights off the important San Acacia Dam, located just off the edge of the farm, control of the water rights by the U.S. Fish and Wildlife Service should also provide additional protection and benefit to the endangered silvery

minnow, found within portions of the Rio Grande that run through the refuge. Given the water rights associated with the property and its location along the Rio Grande, acquisition of the Indian Hill Farms property could provide the refuge system a tremendous opportunity for habitat manipulation for a number of different wildlife uses, including endangered species habitat, wintering waterbird habitat, migratory landbird use, as well as raptor and resident big game habitat. Its location between two major wintering waterfowl areas, Ladd S. Gordon Complex to the north and Bosque del Apache NWR to the south, makes this a key acquisition to enhance waterfowl populations in the Middle Rio Grande area.

Currently, Sevilleta NWR offers limited public access as much of its acreage has been designated to ongoing research projects. Sevilleta NWR is the host to the University of New Mexico's (UNM) Long-Term Ecological Research program initiated in 1988 and funded through the National Science Foundation. This program examines the responses of different ecological communities to climate change and UNM has expressed great interest in research projects that would be associated with the planned conversion of farmland to wildlife habitat should Indian Hill Farms be acquired by the refuge.

An appropriation of \$1.5 million in FY 2011 will be combined with an appropriation of \$500,000 provided in FY 2010 to ensure that the first phase of the Indian Hill Farms property is protected in perpetuity. The USFWS is pursuing the administrative steps necessary to include the entire Indian Hill Farms property within refuge boundaries, and an appraisal is also underway to determine the property's value.

The addition of this priority parcel to the Sevilleta NWR will allow for the creation and restoration of important wildlife habitat types along the Rio Grande River, increase public access to refuge lands, and increase unique research opportunities for local scientists.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in New Mexico, and I appreciate your consideration of this funding request.



# Animal Welfare Institute

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## TESTIMONY

### House Appropriations Subcommittee on Interior, Environment and Related Agencies Fiscal Year 2011

Submitted by Cathy Liss, President

March 26, 2010

The Animal Welfare Institute (AWI) respectfully requests that the House Appropriations Subcommittee on Interior, Environment and Related Agencies appropriate **a total of \$88.3 million to the U.S. Fish and Wildlife Service (FWS) including an additional \$45 million to increase and expand activities of the Office of Law Enforcement (OLE), \$26.2 million for special agents, \$3.1 million for ports of entry, and \$5 million for the Clark R. Bavin National Fish and Wildlife Forensics Laboratory, and \$9 million to explore the potentially devastating effects of White Nose Syndrome on bats.** The Administration's FY11 proposed budget falls far short of providing the funds needed by agencies within the Department of the Interior to protect, preserve, recover and manage America's wildlife, including threatened and endangered species, as required by law and by their public trust obligations to the American people. AWI also asks Congress to include language to preserve and protect wild horses.

**Office of Law Enforcement:** The Administration's FY11 budget proposes a decrease in funding to one of the most important lines of defense for America's wildlife, the FWS Office of Law Enforcement (OLE). Even those who may not concern themselves with wildlife are reaping benefits as OLE protects against smuggling illegal substances from invasive species to contraband and even helps to thwart potentially devastating human health threats. Still, each year, OLE is increasingly underfunded and understaffed, placing the public at greater danger unnecessarily. **AWI requests an additional \$45 million dollars be allocated to the FWS to increase and expand the activities of OLE in its critical role combating wildlife crime.** Currently, OLE is tasked with enforcing and implementing over a dozen federal wildlife and conservation laws that frequently impact both domestic and global security.

It is disheartening that the new budget proposals have chosen to decrease funding to such an imperative office and its programs in the wake of success. Year after year, OLE protects the public against the illegal trade in wildlife and wildlife products, which is third only to the illicit trade in narcotics and weapons in terms of revenue generated globally, and despite the fact that the U.S. remains a source or destination for much of this contraband. Congress must act rapidly to make available those funds that are crucial to OLE, its programs, and the safety of the American public.

**Fish and Wildlife Service Special Agents:** Staff tasked with enforcement of U.S. wildlife laws risk their lives in an effort to protect our nation's wildlife. In FY09, FWS agents pursued over 13,097 investigations resulting in over \$6.1 million in fines, 39.9 years of jail time for the perpetrators, and 512.3 years of probation.<sup>1</sup> FWS cases documented illegal trafficking in U.S. leopard sharks, coral reef organisms, live reptiles, and paddlefish. On the global front, FWS agents, together with the Royal Thai Police, broke up an illegal ivory trading ring, spanning three continents. The case, to date, has secured the U.S. indictment of two individuals and four criminal arrests in Thailand, as well as seizures of elephant tusks and carved ivory in both countries. If convicted on the 23-plus indictments, prison terms for both defendants in the U.S. could collectively total 78 years. This impressive record merits advancement and proper funding. FWS Special Agents have proven time and time again their work deserves funding levels beyond the Administration's FY11 budget proposal, to aid in the reduction of illegal trade in wildlife and wildlife products, which continues to imperil wildlife species in the U.S. and around the world.

Currently, there are only 190 FWS agents responsible for the enforcement of federal wildlife laws throughout the entire U.S. This number is 11 fewer than in FY09, which was 9 fewer than existed in FY08. **There are 71 agent vacancies. AWI respectfully requests an additional \$14.2 million to fill these 71 agent vacancies and an additional \$12 million to ensure sufficient operational funds for existing agents and for those hired in the future.**

**Port Inspectors:** Keeping our ports and boarders secure remains America's single best opportunity to prevent potential attacks. Whether intercepting bioterrorism agents or uncovering security threats, FWS Port Security, along with U.S. Coast Guard, Department of Homeland Security, and other agencies involved, holds the daunting task of keeping our nation safe. The noble individuals employed by these agencies are charged with precluding a wide variety of potentially disastrous threats, including: minimizing illegal contraband shipments, often transported in body cavities of vicious species; uncovering smuggled goods and illegal trade rings at the border, which include products of severely endangered species; and thwarting national and global health risks by shielding the American public from the disease and safety risks associated with importing non-native species (e.g. avian flu, Newcastle's disease, and foot and mouth disease).

The current lack of sufficient operational funds for the FWS port inspection program weakens FWS efforts to promote the conservation of species of international concern, to protect all natural resources, and to sustain biological processes. Most recently, FWS port agents, together with the National Oceanic and Atmospheric Administration, Immigration and Customs Enforcement, and U.S. Customs and Border Protection, uncovered shipments originating from the Virgin Islands containing protected black coral (CITES Appendix II). Black coral when removed, threatens the marine ecosystem and damages the habitats of several species. This case resulted in the arrest and conviction of two Taiwanese nationals on nine counts of conspiracy, including conspiracy, false statements, and violations of both the Endangered Species Act and the Lacey Act. It is critical that these programs remain fully funded to protect domestic and international wildlife, and to ensure our nation's safety through hiring and training staff at each designated U.S. ports of entry. **AWI requests an additional \$3.1 million for the ports of entry.**

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<sup>1</sup> *Law Enforcement at a Glance*. Office of Law Enforcement. U.S. Fish and Wildlife Service. January 2010.

**The Clark R. Bavin National Fish and Wildlife Forensics Laboratory:** The successful outcomes stated previously would not have been possible without the essential work of the FWS forensic laboratory, used by FWS agents and inspectors to gather hard evidence in wildlife crime cases. The lab uses state-of-the-art science, along with years of institutional knowledge, to identify wildlife products by species, determine the cause of death, and make other findings critical to a successful legal case. All such findings must adhere to exacting evidentiary standards to be used in court, thus increasing the cost of testing each sample. The lab and its personnel have worked diligently over the past year to nearly clear a seven-month computer case backlog but remain challenged in tackling the four to eight month hard case backlog. The Bavin Laboratory desperately needs to hire and train essential staff to help alleviate some of the backlog, which has delayed investigations and potential prosecutions by FWS investigators, inspectors, and federal prosecutors.

All 50 states and the 175 Convention for International Trade in Endangered Species (CITES) member countries depend on this facility to prosecute their wildlife crimes; however, this partnership is jeopardized by the lab's inability to churn out timely results. **To reduce both staffing shortages and existing analytical workload and backlog, \$5 million is requested for the lab, including \$1 million to fill the eight essential vacancies.** A timely hire is crucial to train second generation forensic morphologists prior to the departure of current staff. Such funds would also allow for the construction of a new building to house the lab's comparison standards collection (\$3.5 million).

**Wild Free-Roaming Horses and Burros Act:** The wild horse is as much a symbol of American heritage as the image of Uncle Sam and baseball. Currently, these wild horses are at risk of mistreatment by the Bureau of Land Management (BLM), which misuses most of its budget to round up and warehouse wild horses and burros to make room for privately owned cattle. Wild horses have been removed from over 19 million of the 52 million acres allocated to them by Congress. Since 2004, wild horses have been at risk of being sold to killer-buyers who make a profit by sending horses to slaughter for human consumption. Over 35 years ago, Congress acted on behalf of these wild animals to protect their natural habitat and lifestyle. It is now time for Congress to act again to ensure these animals are neither sent into long-term holding facilities nor sentenced to slaughter. **AWI requests that this "no-kill" language be maintained to ensure the BLM does not kill healthy wild horses and burros:**

*"Provided, that appropriations herein made shall not be available for the sale or destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors."*

**White Nose Syndrome in Bats:** Last year, there were dire reports that as many as a million hibernating bats throughout the eastern U.S. had died over the previous 3 years—with some hibernacula (caves and mines where bats hibernate) experiencing 95-100 percent mortality—and that the problem was moving to other states. The news this year is even worse: White-Nose Syndrome (WNS) has indeed continued its march south and west. In February, West Virginia's Division of Natural Resources announced a WNS outbreak in one of the state's caves, housing 200,000 hibernating bats (including 5,000 Virginia big-eared bats and 13,000 Indiana bats, both endangered species). That same week, wildlife officials in Tennessee reported that two bats from Worley Cave in Sullivan County had tested positive for WNS. Hundreds and thousands of bats hibernate in 9,600 caves in Tennessee, and biologists fear devastation of the endangered Indiana and grey bats. And then in early March, the Maryland

Department of Natural Resources reported a likely WNS outbreak in a cave in Allegany County.

This die-off is an unprecedented animal welfare, environmental, and economic disaster. Bats play a crucial role in the ecosystem, including pollinating crops and consuming insects that pose a threat to human health and agriculture. The million bats that have been lost could have consumed as many as 649 tons of insects. A consensus statement issued in May 2009 by a group of scientists and wildlife managers working on this problem calls WNS “the most precipitous decline of North American wildlife in recorded history,” and they fear it could wipe out some endangered bat species and cause others to be listed. A fungus, called White Nose Syndrome for the white patches that appear on the bats’ noses and elsewhere, seems to be the culprit, and scientists are working furiously to prevent its spread and find a cause and a treatment. Additional funds are needed to enable them to get this disease under control and avert an even bigger ecological and financial catastrophe later.

We respectfully ask Congress to do the following: **(1) Support the \$4 million increase the Fish and Wildlife Service (FWS) requested for Declining Species; (2) Approve the 2 additional FTEs FWS requested, which we understand are to be the WNS coordinators for Regions 3 and 4; (3) Support the \$3 million increase the U.S. Geological Survey (USGS) requested for science support for FWS and National Park Service priority research, monitoring, and technical assistance needs; (4) Support the \$600,000 increase USGS requested for wildlife: terrestrial and endangered resources; and (5) Include an additional \$5 million in FWS’ Endangered Species: Recovery of Listed Species programming funds.** We are grateful that Congress provided the FWS with an additional \$1.9 million in FY 2010 for WNS research and monitoring activities, but as recent developments show, the spread of WNS is outpacing efforts to control it. With an additional \$5 million in its endangered species recovery program, the FWS will be able to offer another year of WNS research grants targeting disease transmission and spread, control and treatment, bat genetics, and population modeling-- critical to our understanding of this disease. Funding will be available to support development and implementation of federal and state WNS response plans, baseline data collection, WNS surveillance and monitoring, and related tasks, as well as public outreach. Without sufficient resources to accelerate these efforts, WNS will continue its relentless assault, potentially devastating the majority of our nation’s bat species.

**Testimony of the Appalachian Mountain Club  
Submitted by Susan Arnold, Director of Conservation  
to the  
Subcommittee on Interior, Environment, and Related Agencies  
Committee on Appropriations  
The Honorable James P. Moran, Chair  
Department of the Interior  
March 18, 2010**

Mister Chairman and Honorable Members of the Subcommittee:

On behalf of our more than 100,000 members, advocates, and supporters in the Northeast and Mid-Atlantic, the Appalachian Mountain Club (AMC) is honored to present this testimony in support of much needed funding for conservation and recreation programs in the Fiscal Year (FY) 2011 Interior, Environment, and Related Agencies Appropriations Bill, including:

- \$150 million for the USDA- Forest Service Forest Legacy Program.
- \$600 million for the Department of the Interior - Land and Water Conservation Fund (including \$425 million for federal-side and \$175 million for state-side programs).
- \$11 million for the Department of the Interior - Highlands Conservation Act.
- \$12 million for the Department of the Interior - National Parks Service Rivers, Trails, and Conservation Assistance program.
- \$10 million for the USDA -Community Forest and Open Space Conservation Program.
- \$2.35 million for the Department of the Interior – Challenge Cost Share Program.
- Federal Land Assistance, Management and Enhancement Act

These programs provide economic, ecological and recreational benefits to Americans across the country. Land conservation and recreation program funding are vital to maintaining the health and well being of the nation's lands and our citizens. We greatly appreciate the increases many of these programs received last year. However, the demands on these programs continue to grow so we are hopeful that these increases will continue into FY11. There is a great need to fund these programs at the above requested amounts and to work towards their full funding.

Established in 1876, the Appalachian Mountain Club (AMC) is the oldest conservation and recreation organization in the country. Our mission is to promote the protection, enjoyment, and understanding of the mountains, forests, waters, and trails of the Appalachian region. More than 100,000 AMC members, advocates, and supporters in the Northeast and Mid-Atlantic promote this mission with great enthusiasm.

Open space conservation in the East is a vital investment that ensures clean air and water, a sustainable supply of timber products produced from private and public forests, local food and farm products for millions of people, and diverse recreational opportunities including hiking, cross-country skiing, wildlife viewing, photography, and paddling. Conservation of these resources is needed now more than ever. According to a report by the U.S.D.A. Forest Service (USFS), *Forests on the Edge*, over 44 million acres of private forestland in the East will be developed in the next 30 years.



**Priority FY11 Forest Legacy Program Needs in the Northeast**

For FY 11, we have assembled a list of exemplary Forest Legacy projects in the Northeast and Mid-Atlantic. Some of these projects, like the Katahdin Forest, Androscoggin Headwaters North, and Cardigan Highlands, need this funding to be completed. Others projects, such as the Scantic River Headwaters and Little Bushkill Headwaters Forest Reserve, are new priorities that will protect unique and critical forests in the eastern U.S.

AMC respectfully requests an increase in overall funding for the Forest Legacy Program to \$150 million in FY11. For FY11, the USFS received 60 project proposals from 41 states and territories to protect 361,604 acres with a total project value of over \$200 million. The Forest Legacy Program conserves working forests threatened by conversion to development or other uses, and promotes economic sustainability as well as recreation, open space protection, and wildlife habitat. Public lands provide innumerable social and economic benefits including promoting public health through outdoor recreation, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and supporting wildlife and fisheries as they adapt to climate change.

For FY11, we support funding for the following Forest Legacy projects in the AMC region:

State	Project
ME	West Grand Lake Community Forest
ME	Katahdin Forest Expansion 3 – Gulf Hagas
NH	Cardigan Highlands
NH	Androscoggin Headwaters North
MA	Brushy Mountain
CT	Scantic River Headwaters
NY	Hurley Mountain
NY	Follensby Pond
PA	Little Bushkill Headwaters Forest Reserve
MD	Wicomico

**Priority FY11 Land and Water Conservation Fund Program Needs in the Northeast**

AMC respectfully requests an increase in overall funding for the Land and Water Conservation Fund (LWCF), specifically \$425 million for the federal LWCF and \$175 million for the LWCF stateside program. We applaud the substantial LWCF funding increases provided by this Subcommittee in FY10. And we are most thankful that the Obama Administration's budget recognizes the importance of this program by proposing significant increases for FY11 as well as setting a goal of full funding for the LWCF in the next four years.

The LWCF is our nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units, and other federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the nation. The LWCF will provide important funds to obtain inholdings and lands adjacent to federal lands such as the Rachel Carson National Wildlife Refuge (NWR), Silvio O. Conte National NWR, Wallkill NWR and the Delaware Water Gap National Recreation Area.

The LWCF stateside program provides close-to-home recreation by helping to create thousands of state and local parks across the country. These parks provide millions of urban and suburban residents the benefits of access to natural areas while promoting much needed tourism in local communities.

In FY11, the AMC supports funding for the following LWCF projects in our region:

<b>State</b>	<b>Federal Land Unit</b>
ME	Rachel Carson NWR
ME/NH	White Mountain National Forest
NH, VT, CT, MA	Silvio O. Conte NWR
NH	Lake Umbagog - Androscoggin Headwaters NWR
CT	Stewart McKinney NWR
NJ	Wallkill NWR
NJ	Great Swamp NWR
PA	Delaware Water Gap NRA

#### **FY11 Highlands Conservation Act Needs**

AMC respectfully requests an increase in overall funding for the Highlands Conservation Act (HCA), including \$10 million for land conservation and \$1 million for USFS technical assistance funding. We greatly appreciate the increase provided by Congress to this program in FY10. We are also thankful for the increase included in the FY11 Obama Administration's budget. The HCA, passed in 2004, authorizes land conservation partnership projects and open space purchases from willing sellers in the four-state Highlands region of Pennsylvania, New Jersey, New York, and Connecticut. The Act includes authorization of \$10 million in annual grants to the Highlands states from the Department of the Interior for land acquisition and easements. It also includes \$1 million annually in technical assistance from the USFS to work with Highlands' states and local municipalities to implement the conservation strategies outlined in the three comprehensive Forest Service studies of the region completed in 1992, 2002, and 2008.

The four-state Highlands Region is the backyard for the more than 25 million people living in or around the major metropolitan areas of the Mid-Atlantic states, and provides critical drinking water, wildlife habitat, and abundant and accessible recreation opportunities. Current projects in Pennsylvania, New Jersey, New York, and Connecticut share strong local support, commitments from state and private sources to provide matching funding, and will protect important water supplies, forests, farmland, recreational opportunities and wildlife habitat.

In FY 2011, the AMC supports funding for the following HCA projects:

<b>State</b>	<b>Project</b>
CT	Naugatuck / Mad River Headwaters
NY	Greater Sterling Forest/Torne Valley
NJ	Northern Highlands
PA	Hopewell Big Woods

**FY11 Community Forest and Open Space Conservation Program Needs**

AMC respectfully requests funding of \$10 million for this important program. The Community Forest and Open Space Conservation Program will provide communities matching funds to purchase critical forestland tracts and provide technical assistance through state forestry agencies for outstanding forest management. The program provides 50-50 matching funds to help local governments, tribes, and non-profit organizations acquire forest areas that are economically, culturally, and environmentally important to that locality and threatened by development. The program provides grants directly to local governments and non-profits for full fee acquisition, not conservation easements. The program's criteria are built around evaluation of a project's community impact and it requires public access and active community engagement in forest planning for parcels.

**Priority FY11 Recreational Programs Needs****FY11 Rivers, Trails and Conservation Assistance Needs**

AMC respectfully requests an increase in overall funding for the Rivers, Trails Conservation Assistance (RTCA) program and requests \$12 million nationwide. Through this National Park Service program: partners protect 700 miles of rivers; create 1,300 miles of trails; conserve over 60,500 acres of open space annually; promote alternative transportation; brownfield redevelopment; youth conservation, and floodplain planning. This \$12 million in funding would reverse the steady erosion of funding and reduced staffing RTCA has experienced in recent years. This program receives less than 1% of National Park Service funding, but federal funds are leveraged many times over with state, local and partnership cooperation, and in-kind matches.

**FY11 Challenge Cost Share Program (CCSP)**

We also request \$2.35 million for the CCSP program. The purpose of this program is to increase participation by qualified partners in the preservation and improvement of National Park Service natural, cultural, and recreational resources. It is a matching fund program and an equal amount of eligible and matching share (minimum 50%) of cash, goods, or services from non-federal sources is required. One-third of CCSP funding is set aside for National Trails System projects, supporting work under the National Trails System Act, including the New England National Scenic Trail in Connecticut and Massachusetts.

**Other Priority Programs****FY 11 Federal Land Assistance, Management and Enhancement Act (FLAME)**

We respectfully request that the Subcommittee reaffirm the commitment to the USFS and Department of the Interior for FLAME Act funds and ensure the program is funded at appropriate levels that would cover the cost of emergency fires and eliminate the need to transfer funds from non-fire programs. Additionally, we urge the Subcommittee to provide direction to the agencies to use the most current and best informed means of estimating annual suppression rather than using the traditional 10-year average.

Thank you for this opportunity and your consideration.

**Outside Witness Testimony**  
**House Committee on Appropriations**  
**Subcommittee on Interior, Environment, and Related Agencies**

Statement by: David N. Startzell  
Executive Director  
Appalachian Trail Conservancy

Date: March 16, 2010

Dear Mr. Chairman and Members of the Subcommittee:

In behalf of the Appalachian Trail Conservancy (ATC), for reasons described below, I am requesting a **Fiscal Year 2011 appropriation from the Land and Water Conservation Fund** in the amount of **\$1,505,000 for the National Park Service and \$13,899,000 for the USDA Forest Service** for the acquisition of lands and interests in lands surrounding or bordering the **Appalachian National Scenic Trail (ANST)** in the states of **Vermont, Pennsylvania, Virginia, Tennessee, North Carolina, and Georgia**.

**Background:** The Appalachian Trail (A.T.) is America's premier long-distance footpath. Initially established between 1923 and 1937 as a continuous footpath extending from western Maine to northern Georgia, the trail gained Federal recognition in 1968 with the passage of the National Trails System Act. Amendments to that act in 1978 expanded the authorization for Federal and state land acquisition to establish a permanent, publicly owned right-of-way as well as a protective corridor or "greenway" along the trail. Since 1978, with the strong support of the Subcommittee and the Congress as a whole, the Appalachian National Scenic Trail land-acquisition program of the National Park Service and USDA Forest Service has become one of the most successful land-conservation efforts in the nation's history with the acquisition of more than 189,000 acres, more than 3,370 parcels, in fourteen states. Today, only approximately five miles of the 2,179-mile Appalachian Trail remain to be protected through public ownership.

**Resource Characteristics:** The Appalachian Trail is a 2,179-mile footpath extending along the crests and valleys of the Appalachian Mountains through fourteen states from Maine to Georgia. Often characterized as a "string of pearls," the trail, which is considered a unit of the National Park System, connects eight National Forests, six other units of the National Park System, and approximately 60 state parks, forests, and game-management units. With an estimated two to three million visitors per year, it ranks among the most heavily visited units of the National Park System and also ranks among the top ten units from the standpoint of natural diversity with more than 2,200 documented occurrences of federally- and state-listed rare, threatened, or endangered species at more than 500 discrete sites.

The Appalachian Trail is equally well known as a remarkable public/private partnership. Since the initial construction of the trail in the 1920s and 30s, volunteers affiliated with the Appalachian Trail Conservancy (ATC) have constructed, reconstructed, and maintained the footpath as well as a system of more than 250 shelters and associated facilities such as privies, improved campsites, bridges, signs, and parking lots. In 2009,

for example, more than 6,800 volunteers contributed more than 220,500 hours of labor along the trail. As an outgrowth of an agreement between the National Park Service and ATC, the Conservancy has accepted management responsibility for most lands acquired by that agency along the trail. ATC, through its network of 30 club affiliates, is now responsible for virtually all phases of “park” operations, ranging from trail and facility maintenance and construction to land and resources management to visitor education and services. ATC also provides ongoing, volunteer-based stewardship for other trail lands, totaling more than 250,000 acres.

**Need for Appropriations:** As noted previously, while the Appalachian National Scenic Trail protection program represents one of the most successful land-acquisition programs in the history of the conservation movement in the United States, that program is not yet complete. Although our hope had been to complete the program by the year 2000, escalating land values coupled with diminished administrative capacity in the affected agencies have conspired to delay full program completion. Nevertheless, a number of critical parcels are now “ripe” for land acquisition from willing sellers and we are seeking FY’11 LWCF appropriations to secure those properties. A brief description of each of those critical parcels follows.

**Chateaugay-No Town Project, Vermont.** This project involves four parcels, totaling 1,000 acres, in the towns of Barnard and Bridgewater, Vermont, to be acquired in fee-simple and an additional 81.39-acre parcel in Pomfret, Vermont, to be placed under a conservation easement. Negotiations have been spearheaded for several years by The Conservation Fund, which also has secured a pledge for a significant private contribution toward the project. The four properties straddle more than one-and-one-half miles of the Appalachian Trail in an area where earlier acquisitions by the National Park Service provided only a narrow buffer for the footpath. They include a high-value wetland complex and feeding habitat for migratory birds, black bears, and moose as well as the headwaters of the Locust Creek watershed, a Vermont Class A stream. The fifth, easement parcel is situated on a hillside adjacent to and above the trail in the Town of Pomfret that is under threat of residential subdivision. A partial appropriation for this project was included in the FY’10 interior-appropriations bill. ATC and The Conservation Fund are requesting second-installment funding for this project: **an FY’11 LWCF appropriation of \$1.25 million for the National Park Service.**

**Hauser Tract, Pennsylvania.** This project affects a 172-acre farm property in Carbon County, Pennsylvania, situated on the north slope of Kittatinny Ridge adjacent to the Appalachian Trail. The property also borders Pennsylvania Game Commission lands, the Lehigh Gap Nature Center, and a Pennsylvania Turnpike tunnel. It also includes the state’s largest native grassland habitat and is highly sought after by the Pennsylvania Department of Conservation and Natural Resources (PA-DCNR) as part of its Pocono Forest and Waters Conservation Landscape Initiative. We are requesting an **FY’11 LWCF appropriation of \$255,000 for the National Park Service** to acquire this parcel.

**Dismal Creek, Virginia/Jefferson National Forest.** ATC and the USDA Forest Service are seeking to acquire in fee-simple this 89-acre farm property consisting of two parcels

adjacent to Forest Service Road 201. The two parcels are proximate to the Appalachian Trail and are located within a special biological area encompassing a number of rare plants, such as the Yellow Sedge. Dismal Creek also flows through the properties and conservation of the two properties is considered important for assuring stream-water quality as well as the quality of the associated trout fishery. ATC is requesting an **FY'11 LWCF appropriation of \$190,000 for acquisition of the two properties by the USDA Forest Service.**

**Rocky Fork, Tennessee/Cherokee National Forest.** In mid-December, 2008, the USDA Forest Service acquired approximately 2,200 acres of this 10,000-acre property in eastern Tennessee situated midway between Johnson City and Asheville, North Carolina, and adjacent to Interstate 26. The Conservation Fund provided bridge funding to acquire the balance of the property in anticipation of future sale to the Forest Service and the State of Tennessee. The property includes many game and non-game wildlife values, including 16 miles of "blue-ribbon" trout streams and outstanding black bear, white-tailed deer, and wild turkey habitat. The property also includes 1.2 miles of the Appalachian National Scenic Trail and its acquisition will permit future construction of a three-mile relocation to provide a much-improved alignment for the footpath. Total costs for the acquisition were approximately \$43 million and ATC is working closely with TCF, the Southern Appalachian Highlands Conservancy, and a number of other conservation and sportsmen organizations to complete the overall funding package for the project. ATC and The Conservation Fund are requesting an **FY'11 LWCF appropriation of \$11million for the USDA Forest Service** which will permit the Forest Service to acquire the remaining approximately 2,750 acres of the property.

**Rich Mountain, Tennessee/Cherokee National Forest.** This 100-acre privately-owned in-holding is situated in the northwest corner of the Rocky Fork property (see above) and unfortunately was carved out by New Forestry, LLC—the previous owners of the Rocky Fork property—at the time the remainder of the property was sold to the Forest Service and The Conservation Fund. It includes the highest point of land for the overall property as well as prominent cliffs locally known as Buzzard Rock. The cliffs are only a short distance from the Appalachian Trail through a high elevation health bald. The property provides sweeping views of the Sampson Mountain Wilderness and northeast Tennessee/southwest Virginia. ATC is requesting an **FY'11 LWCF appropriation of \$1,000,000 for the USDA Forest Service** to acquire this critical in-holding.

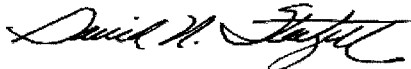
**Shook Branch, Tennessee/Cherokee National Forest.** This 20-acre property is situated in eastern Tennessee in the Cherokee National Forest. The Appalachian Trail currently follows a dangerous road-walk and crosses US 321 at a location with limited site distances to on-coming traffic. A proposed new route has been identified and a number of parcels have been acquired by the Forest Service to establish the route. The Shook Branch property is necessary in order to complete the proposed relocation. The current property owner has expressed a willingness to sell the property. ATC is requesting a **FY'11 LWCF appropriation of \$829,000 for the USDA Forest Service** to acquire the property at appraised value.

**Wesser Bald, North Carolina/Nantahala National Forest.** This property is situated in western North Carolina in the Nantahala National Forest. The A.T. passes within 200 feet of the property and affords a number of outstanding scenic views at several locations along the northern portion of the property and from a viewing platform atop the Wesser Bald fire tower with 360-degree views encompassing the Great Smoky Mountains skyline, the Nantahala Mountains, and northern Georgia. The property was acquired in fee in several phases by the Southern Appalachian Highlands Conservancy with the aid of a bridge loan from The Conservation Fund. The requested FY'11 appropriation will be used to repurchase a 20-acre portion of the property at a bargain-sale price with ownership transferred to the Forest Service. SAHC also has secured a conservation easement affecting an additional 41 acres of the property. The total value of the fee and easement interests is approximately \$450,000. ATC is requesting **an FY'11 LWCF appropriation in the amount of \$180,000 for the USDA Forest Service.**

**Blood Mountain, Georgia/Chattahoochee National Forest.** ATC and the USDA Forest Service have sought for decades to extinguish an outstanding road right-of-way through this 22.9-acre in-holding within the Blood Mountain Wilderness Area that also crosses the Appalachian Trail. The property is within the viewshed from the summit rock outcroppings of Blood Mountain—one of the most heavily visited trail segments in the southern national forests (Region 8). The ATC local affiliate, the Georgia Appalachian Trail Club, is proposing to contribute \$100,000 toward the overall costs of this acquisition. ATC is requesting **an FY'11 LWCF appropriation of \$700,000 for the USDA Forest Service** to acquire the property.

With the acquisition of the above-described properties, ATC hopes to complete a substantial portion of the remaining land-acquisition needs in the Appalachian National Scenic Trail program. Again, we respectfully request **an FY'11 Land and Water Conservation Fund appropriation of \$1.505 million for the National Park Service and \$13.899 million for the USDA Forest Service.**

Thank you for the opportunity to submit this testimony and for your consideration of our request.



David N. Startzell, Executive Director  
Appalachian Trail Conservancy

*Association of State Drinking Water Administrators*

**Testimony to the House Committee on Appropriations;  
Subcommittee on Interior, Environment, & Related Agencies  
March 19, 2010**

**Who We Are:** James D. Taft, Executive Director, on behalf of the Association of State Drinking Water Administrators (ASDWA), is pleased to provide testimony to the Interior and Related Agencies Subcommittee on FY 11 Appropriations for the U.S. Environmental Protection Agency. ASDWA represents the state drinking water programs in each of the fifty states and territories and the Navajo Nation in their efforts to provide safe drinking water to more than 275 million consumers nationwide.

*Summary of Request:*

**ASDWA respectfully requests that, for FY-11, the Subcommittee appropriate funding for three state drinking water programs at levels commensurate with Federal expectations for performance and at levels that ensure appropriate public health protection. ASDWA requests \$200 million for the Public Water System Supervision (PWSS) program; \$1.287 billion for the Drinking Water State Revolving Loan Fund (DWSRF) program; and \$10 million for state drinking water program security initiatives. A more complete explanation of the needs represented by these requested amounts and a further explanation of these requested levels follows.**

*How States Use Federal Funds:*

**States Need Increased Federal Support to Maintain Overall Public Health Protection:** State drinking water programs strive to meet public health protection goals through two principal funding programs: the Public Water System Supervision Program (PWSS) and the Drinking Water State Revolving Loan Fund (DWSRF) Program. These two programs, with their attendant state match requirements, provide the means for states to work with drinking water systems to ensure that American citizens can turn on their taps with confidence the water is both safe to drink and the supply is adequate. In recent years, state drinking water programs have accepted additional responsibilities to work with all public water systems to ensure that critical drinking water infrastructure is protected and that plans are in place to respond to both natural and manmade disasters.

Vibrant and sustainable communities, their citizens, workforce, and businesses are dependent upon a safe and adequate supply of drinking water. Economies only grow and sustain themselves when they have reliable water supplies. Over 90% of the population receives water used for bathing, cooking, and drinking from a public water system. Even people who have their own private wells to meet their daily water needs will visit other homes or businesses served by a public water system. Children and seniors are the most susceptible to illness and death from several of the contaminants regulated by Federal drinking water laws including lead, mercury, nitrates, bacteria, and viruses. As important as public water systems are to the quality of water we drink, and therefore our health, the majority of water produced by public water systems is used by businesses and for fire protection. Businesses need adequate supplies of good quality water for processing, cooling, and product manufacturing. The availability of adequate supplies of water is often a critical factor in attracting new industry. Public water systems, including, cities, villages, schools, and businesses rely on state drinking water programs to ensure they are in compliance with Federal requirements.



**The PWSS Program:** To meet the requirements of the SDWA, states have accepted primary enforcement responsibility for oversight of regulatory compliance and technical assistance efforts for over 155,000 public water systems to ensure potential health-based violations do not occur or are remedied in a timely manner. Since 1996, state drinking water programs have participated in the development and implementation of over 25 new Federal regulations and strategic initiatives designed to enhance the protection of public health. States are also implementing an array of proactive initiatives to protect public health from “source to tap.” These include source water assessments and controls; technical assistance with water treatment and distribution; and enhancement of overall water system performance capabilities. In recent years, states have taken on an increasingly prominent role in working with Federal and local partners to help ensure sufficient water *quantity*. In short, state activities go well beyond simply ensuring compliance at the tap.

**The DWSRF Program:** Drinking water in the U.S. is among the safest and most reliable in the world, thanks to significant investments made over the decades. The payback on this investment has been exceptional: in the core DWSRF program, \$10.7 billion in capitalization grants from Congress since 1997 has been leveraged by states into nearly \$19 billion in infrastructure loans to small and large communities across the country. Everyone agrees this is an investment that pays great dividends both economically and in protection of our citizens’ health. State drinking water programs have also used DWSRF funds to support the technical assistance and training needs of small drinking water systems and to help these water systems obtain the technical, managerial, and financial proficiency needed to meet the requirements of the SDWA. States also leapt into action to utilize the infrastructure funds provided to the DWSRF through the American Reinvestment and Recovery Act (ARRA) and maximized the depth and breadth of these funding opportunities across all drinking water system sizes and types. Through a herculean effort, all states met the February 17, 2010 deadline (one year from enactment) for having \$2 billion in ARRA funds under contract or construction.

**State Drinking Water Security Responsibilities:** Since the events of September 2001, as well as the more recent experiences of devastating hurricanes, wildfires, and floods, states have taken extraordinary measures to meet the security and emergency response-related needs of the drinking water community. State drinking water programs have responded to requests for assistance, training, information, and financial support from the water systems under their purview as well as supported utility-based “mutual aid” networks. States continually work toward integrating security considerations throughout all aspects of their drinking water programs.

***Why Increased Funding is Urgently Needed:***

**State Drinking Water Programs are Hard Pressed:** States must accomplish all of the above-described activities, and take on new responsibilities, in the context of the current national economic crisis. This has meant further cutting their budgets, streamlining their workforces, and operating with less state-provided financial support. State drinking water programs have often been expected to do more with less and states have always responded with commitment and ingenuity. However, state drinking water programs are now in crisis. Insufficient Federal support for this critical program increases the likelihood of a contamination event that puts public health at risk.

**State Funding Gap Continues to Grow; States Cannot Keep Up:** Although the 1996 SDWA Amendments authorized the PWSS Program at \$100 million per year, appropriated amounts have only recently reached or come close to that originally-authorized level. \$105.7 million was appropriated for

the PWSS program in FY 10. However, as explained below, with Congress' zeroing out of the state drinking water program security grant of \$5 million, the net gain to states – from FY 09 to FY 10 – was only \$1 million. Even the fully authorized level of \$100 million annually is now, nearly 14 years after enactment, woefully inadequate for the enormity of the task faced by state drinking water programs. A few years ago, state drinking water program administrators identified an annual shortfall nationally of approximately \$360 million between available funds and those needed to administer their programs. That gap only continues to grow and has negative consequences. Many states are simply unable to implement major provisions of the newer regulations, leaving the work undone or ceding the responsibility back to EPA where it is likely to languish because of their own resource constraints and lack of “on the ground” expertise. This situation could create a significant implementation crisis in several regions of the country and ultimately delay implementation of critically needed public health protections.

***FY 11 Request Levels and SDWA Program Obligations:***

**The PWSS Program:** The number of regulations requiring state implementation and oversight as well as performance expectations continue to grow while, at the same time, the Federal funding support necessary to maintain compliance levels and meet expectations has been in decline. Last year's FY-10 appropriated level of \$105.7 million – after subtracting the above-mentioned \$5 million for drinking water security – reflects a downward trend from the enacted budget high point of \$101.9 million appropriated in FY 04 – an already insufficient amount. Inflation has further eroded these inadequate funding levels. State drinking water programs are hard pressed to understand a justification for these funding levels since they are engaged in the critical phases of implementing the LT 2/Stage 2 Rule cluster (two sophisticated and complex initiatives to control disinfection by-products and microbial contaminants), the recently promulgated Ground Water Rule, and changes to the Lead and Copper Rule. States want to offer the flexibilities allowed under these and other rules to local water systems; however, fewer state resources mean less opportunity to work one-on-one with water systems to meet their individual needs. Looking ahead, states expect that new rules for contaminants on EPA's Contaminant Candidate List will be forthcoming as well as revisions to the Total Coliform Rule.

**ASDWA therefore respectfully requests that the FY 11 funding for the PWSS program be appropriated at \$200 million.** *This figure was calculated by starting with a baseline of \$124.3 million (the FY 04 appropriated figure, adjusted for inflation); adding \$50.7 million to implement recently promulgated rules (per EPA's Economic Analyses for these rules); and adding \$25 million for other new program requirements (e.g., emerging contaminants, modernizing data systems, and supporting small water systems).*

**The DWSRF Program:** States were very encouraged by the \$1.387 billion appropriated for the DWSRF in FY 10 and the \$1.287 billion requested in the President's FY 2011 budget. States strongly support that request level. The primary purpose of the DWSRF is to improve public health protection by facilitating water system compliance with national primary drinking water regulations through the provision of loans to improve drinking water infrastructure. Water infrastructure is needed for public health protection as well as a sustainable economy. For instance, industries have opted not to move to locations with inadequate water and other utility capacity to meet their needs. States have very effectively and efficiently leveraged Federal dollars with state contributions by turning over \$10.67 billion in cumulative Federal capitalization grants (not counting ARRA funds) into almost \$19 billion in water infrastructure loans since 1997. In so doing, states have provided assistance to more than 6,905

projects improving health protection for millions of Americans. Approximately 72 percent of projects and 38 percent of assistance has been provided to small communities (serving less than 10,000 people). However, EPA's most recent National Drinking Water Infrastructure Needs Survey (2007) indicated that water system needs total \$334.8 billion over the next 20 years to comply with SDWA mandates. States believe the \$2 billion in ARRA funds and the FY 10 appropriated level were very substantial down payments on addressing those needs and filling the infrastructure gap. In light of these indicators of success and documented needs, we believe the \$1.287 billion level requested in the President's FY 2011 budget will better enable (as compared to levels provided in recent years) the DWSRF to meet the SDWA compliance and public health protection goals for which it was designed.

**ASDWA, therefore, respectfully requests \$1.287 billion in FY 11 funding for the DWSRF program; consistent with the President's budget request.**

**Security Responsibilities:** After seven years of supporting state security programs through a small grant of approximately \$5 million in EPA's appropriation, *no funds* were provided for this purpose in FY 10 and none are requested for FY-11. State drinking water programs need funds to continue to expand their security activities, particularly for small and medium water systems and to support utility-based mutual aid networks for all drinking water systems. It is very difficult to understand why this grant has been zeroed out of EPA's proposed budget. Given the realities exemplified by ongoing Homeland Security initiatives, the goals of the National Infrastructure Protection Plan, and the lessons learned from Hurricanes Katrina, Rita, and Gustav, state drinking water programs are working more closely than ever with their water utilities to evaluate, assist, and support drinking water systems' preparedness, response, and resiliency capabilities. Beyond the mandates of the Bioterrorism Act of 2002, states are being directed to expand their efforts to reflect an "all hazards" approach to water security and to focus their efforts toward smaller water systems not covered by the Act. These systems rely heavily on the states to help them meet their needs and identify potential funding sources (DWSRF).

**ASDWA therefore respectfully requests \$10 million in FY 11 funding for the state security initiatives.** *These funds would be commensurate with the security tasks state drinking water programs must take on.*

### **Conclusion**

In conclusion, ASDWA respectfully recommends that both state and Federal FY 11 budget needs for the provision of safe drinking water be adequately funded by Congress. A strong drinking water program supported by the Federal-state partnership will ensure that the quality of drinking water in this country will not deteriorate and, in fact, will continue to improve – so that the public can be assured that a glass of water is safe to drink no matter where they travel or live. States are willing and committed partners. However, additional Federal financial assistance is needed to meet ongoing and ever growing regulatory and security needs. In 1996, Congress provided the authority to ensure that the burden would not go unsupported. For Fiscal Year 2011, ASDWA asks that the promise of that support be realized.



**FY 2011 Testimony of the  
ASSOCIATION OF PUBLIC AND LAND-GRANT UNIVERSITIES (A·P·L·U)  
BOARD ON NATURAL RESOURCES (BNR)**

**To the House Appropriations Subcommittee on Interior,  
Environment, and Related Agencies**

**Submitted by Dr. George Hopper, Chair, A·P·L·U Board on Natural Resources, Dean  
and Director, College of Forest Resources, Fish and Wildlife Research Center  
Mississippi State University**

On behalf of the A·P·L·U Board on Natural Resources (BNR), we thank you for your support of science and research programs within the United States Geological Survey (USGS) and the Environmental Protection Agency (EPA). We appreciate the opportunity to provide detailed recommendations for the following programs within USGS: \$8.8 million for the Water Resources Research Institutes, \$22 million for the Cooperative Fish and Wildlife Research Units; \$64 million for the National Cooperative Geologic Mapping Program; \$75 million for the Mineral Resources Program. Within EPA, we ask support of the administration's request of \$87.2 million for the EPA Science to Achieve Results (STAR) competitive grants program and \$17.3 million for the STAR Graduate Fellowships.

**A·P·L·U BNR requests \$8.8 million for the Water Resources Research Institutes (WRII).** The A·P·L·U BNR request is based on the following: \$7,000,000 in base grants for the WRII as authorized by Section 104(b) of the Water Resources Research Act, including state-based competitive grants; and \$1,800,000 to support activities authorized by section 104(g) of the Act, and a national competitive grants program. Federal funding for the WRII program is *the* catalyst that moves states and cities to invest in university-based research to address their own water management issues. State WRII take the relatively modest amount of federal funding appropriated, match it 2:1 with state, local and other funds and use it to put university scientists to work finding solutions to the most pressing local and state water problems that are of national importance. The Institutes have raised more than \$15 in other funds for every dollar funded through this program. The added benefit is that often research to address state and local problems helps solve problems that are of regional and national importance. Many of the projects funded through this program provide the knowledge for state or local managers to implement new federal laws and regulations. Perhaps most important, the federal funding provides the *driving force of collaboration* in water research and education among local, state, federal and university water professionals. This program is essential to solving state, regional and inter-jurisdictional water resources problems. Institutes in Louisiana, California and North Carolina, for example, made major contributions in emergency planning and hurricane recovery, protecting groundwater aquifers from sea water intrusion and reducing water treatment costs. The institutes also train the next generation of water resource managers and scientists.

**A·P·L·U BNR supports a funding request of \$22 million for the Cooperative Fish and Wildlife Research Units (CRU).** This program serves to 1) train the next generation of Fish and

Wildlife managers; 2) conduct research designed to meet the needs of unit cooperators; and 3) provide technical assistance to state and federal personnel and other natural resource managers. Originally established to provide training for students in fish and wildlife biology, the units were formally recognized by the Cooperative Units Act of 1960 (PL 86-686). While the CRU still provide experience and training for approximately 600 graduate students per year, they also provide valuable research for their biggest clients, the U.S. Fish and Wildlife Service and cooperating state agencies. Today, there are 40 BRD Cooperative Research Units in 38 States, from pre-existing research programs of the Fish and Wildlife Service.

Each unit is a true federal-state-university collaboration in that it is a partnership between USGS, a State natural resource agency, a host university, and the Wildlife Management Institute. For every dollar the federal government puts into the program, three more are leveraged through the other partners. The United States economy has long relied on the bountiful natural resources bestowed upon this land. Federal investment in the CRU will be returned many times over through the training of future natural resource managers who will guide the nation in sustainable use of our natural resources despite ever-increasing pressures on those resources.

**The A·P·L·U BNR also supports funding at a level of \$64 million for the National Cooperative Geologic Mapping Program (NCGMP) within the USGS budget.** The mission of the NCGMP is to provide accurate geologic maps that help sustain and improve the quality of life and economic vitality of the US and mitigate geologic hazardous events and conditions. Universities are involved in this program in two ways. First, universities participate through the production of new geologic maps to meet needs in stewardship of water, energy, and mineral resources; risk reduction from natural hazards such as earthquakes and landslides; and environmental protection. Second, through EDMAP, universities train the next generation of geologic mappers through a competitive matching-fund grant program. Since EDMAP's inception in 1996, more than \$5 million from the NCGMP have supported geologic mapping efforts of more than 600 students working with more than 214 professors at 131 universities in 44 states plus Puerto Rico and the District of Columbia. A 2007 survey by NCGMP demonstrated that students who participated in EDMAP 1) fall well above the national average for pursuing advanced academic degrees in the geoscience field, 2) easily obtain geoscience positions due to the knowledge gained through EDMAP, and 3) frequently use the skills gained through EDMAP.

**The APLU BNR supports \$75 million for the Mineral Resources Program (MRP).** The 2008 National Research Council's (NRC) report "Minerals, Critical Minerals, and the U.S. Economy" clearly lays out the danger of continuing cuts to the services this program provides to our nation's economy. Items such as LCDs, catalytic converters, rechargeable batteries, and other electronics all use minerals designated as "critical" based on the risk that they may become unavailable for any number of reasons. The role of minerals information is becoming ever more vital as the nation works to remain competitive and searches for emerging technologies to solve some of our most pressing environmental issues.

BNR also supports Senate bill 1462 American Clean Energy Leadership Act Title IV, Subtitle E Strengthening Education and Training in the Subsurface Geosciences and Engineering for Energy Development. There have been substantial cuts to the number of professionals in the

MRP since 1996. At the same time, the NRC report cited above calls for the “need to maintain adequate, accurate and timely information and analysis on minerals at a national level in the federal government with additional, not fewer, professionals having appropriate backgrounds to perform the work.” For example, as society pushes toward sustainability, the importance of experts designing products with an eye toward recycling minerals will only increase. Currently, only a few formal training programs have emerged to train a new generation in the field. For this reason, we request support for Mineral Resources External Grants programs of at least \$5 million. The USGS committed \$1,000,000 toward Mineral Resources External Research for FY 2006, *but cut the program to \$0 in FY2007* and committed only \$250,000 in FY08. Sustained and additional funds are needed to expand upon the first step in FY2006. Apart from this small program, there is virtually no funding to sustain applied science research and education related to mineral resources. The establishment of a consistently well-funded Minerals Resources External Grants program would follow the recommendations of three recent NRC reports and would help arrest the dramatic decline of minerals expertise in the United States.

**A·P·L·U BNR recommends that the Committee provide funding \$87.2 million for competitive grants of the Science to Achieve Results (STAR) program and \$17.3 million for STAR graduate fellowships.** One of the most effective programs for improving the agency’s science capabilities is the STAR program. In 2003, the National Research Council strongly endorsed STAR in its report, “The Measure of STAR.” The investment EPA ORD makes in STAR is especially significant and effective, because STAR is not a stand-alone grants program. It is coordinated with EPA program and regional offices, and targeted at high-priority needs that support the agency’s mission. The program is leveraged by the participation of other federal agencies and the private sector, and involves thousands of research scholars in universities. A·P·L·U universities have used STAR extramural research funding to accomplish the following: improve air quality modeling nation wide; develop evaluations of U.S. estuarine and coastal water quality degradation; analyze ecosystem health and impairment; establish effective multi-university research collaborations; and develop techniques to assess the risks to fish in the Great Lakes associated with exposure to endocrine disrupting chemicals.

STAR graduate fellowships are also an excellent investment in the next generation of scientists and engineers, and provide opportunities for some of the brightest minds to develop the skills to enhance and replenish this nation’s environmental science expertise. Moreover, these grants are often a way to get minority graduate students engaged in high-level scientific research. STAR funding is a very important tool in the effort to address the future workforce needs of EPA. These investigator-initiated research grants are significantly expanding the number of scientists conducting EPA-related research and enhancing the overall quality of EPA S&T.

*Thank you for the opportunity to share our views with the Committee.*

#### ***About APLU***

A·P·L·U is the nation’s oldest higher education association. Currently the association has over 200 member institutions – including the historically black land-grant institutions – located in all fifty states. The Association’s overriding mission is to support high quality public education through efforts that enhance the capacity of member institutions to perform their traditional teaching, research, and public service roles.

*About the Board on Natural Resources*

The Board's mission is to promote university-based programs dealing with natural resources, wildlife, ecology, energy, and the environment. Most A·P·L·U institutions are represented on the Board. Present membership exceeds 500 scientists and educators, who are some of the nation's leading research and educational expertise in environmental and natural-resource disciplines



ASSOCIATION OF RESEARCH LIBRARIES

Prudence S. Adler  
Associate Executive Director  
Association of Research Libraries

March 22, 2010

The Honorable James P. Moran  
Chairman  
Subcommittee on Interior,  
Environment & Related Agencies  
Committee on Appropriations  
Washington, D.C. 20510

The Honorable Michael K. Simpson  
Ranking Member  
Subcommittee on Interior,  
Environment & Related Agencies  
Committee on Appropriations  
Washington, D.C. 20510

Dear Chairman Moran and Ranking Member Simpson:

On behalf of the Association of Research Libraries (ARL), I write to express strong support for funding of the National Endowment for the Humanities (NEH) Division of Preservation and Access. With NEH's support, libraries engage in numerous activities to preserve and provide access to our local, state, national, and international cultural heritage. ARL also urges you to support the overall funding for NEH at the level of \$232.5 million, an increase of \$65 million over FY 2010. Additional appropriations would permit the Agency to address the high level of unmet needs by supporting a greater number of humanities projects including those focused on preserving our heritage.

NEH funding is central to libraries across the country as this funding supports core activities including the preservation of unique collections, the training of librarians to preserve these culturally valuable resources, and importantly, making research tools broadly available for use by scholars and the public. For example, NEH funding supports regional field offices and academic programs in conservation as well as providing individual awards that support basic preservation activities in libraries, archives, museums, and historical organizations throughout the United States. This support includes preservation training programs that reach thousands of individuals across the United States. NEH support of workforce development and training efforts is critically important as librarians, archivists, and museum professionals employ digital and networked-based technologies while, at the same time, preserve books, manuscripts, photographs, and other artifacts in many other formats. Recent examples of NEH grants in each of these areas include:

- An audiovisual consultant will assess the oral history and moving image collections that span the years 1960 to present in the Idaho State Historical Society's Public Archives and Research Library that document the State's local history and culture. Topics include homesteading, logging and folk



customs, veterans' histories, the status of ethnic minorities, civil rights and more. The consultant will identify at-risk materials, suggest reformatting priorities, and develop a plan for digitizing the collection; Idaho State Historical Society, Boise, ID.

- Curriculum modules and a virtual laboratory for graduate-level coursework in preserving and enhancing access to digital humanities resources will be developed. In addition, these will be used in the Digital Preservation Management Workshop, a continuing education program by the Interuniversity Consortium for Political and Social Research (ICPSR). Access to these educational resources via the Internet vastly expands the number of individuals who can benefit from this training; University of Michigan, Ann Arbor, MI.
- The digitization of 10,000 rare or unique late 19<sup>th</sup> and early 20<sup>th</sup> century musical scores and books for online access through the university's digital repository, the re-housing of original materials, and the production of preservation photocopies will be undertaken; University of Rochester, Rochester, NY.

In addition to funding training and preservation activities, the NEH Division of Preservation and Access also provides awards to support the creation of a wide range of research tools and reference works such as online encyclopedias, ancient language dictionaries, and catalogs of rare materials. Support of these diverse projects results in broad access to important educational reference works and creates new analytical capabilities that allows for widespread participation in research by students and teachers. Such projects and authoritative reference tools build the foundation for research, and in digital form, enable broad and effective access to these resources. Examples of recent awards include:

- The development of the Encyclopedia Virginia, an online reference work of comprehensive, peer-reviewed, and digitally born content that focuses on Virginia's people, history, government, economy and culture; Virginia Foundation for the Humanities, Charlottesville, VA.
- Digital archiving of endangered Mexican and South American linguistic materials to be made accessible by the Archive of the Indigenous Languages of Latin America; University of Texas, Austin, TX.
- The collaboration among the Autry National Center/Southwest Museum of the American Indian, the National Museum of the American Indian, the National Anthropological Archives, and the National Museum of Natural History to federate databases focused on Native American collections and share the data in new ways with tribal colleges and community members; American Indian Higher Education Consortium, Alexandria, VA.
- The digitization of 29 unique audio collections created on lacquer and aluminum discs and fragile reel-to-reel tape that document Native

American, African American, and Anglo American oral traditions, as well as those of other immigrant populations in the United States; Indiana University-Bloomington, Bloomington, IN.

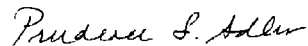
Finally, the Division of Preservation and Access has provided support to stabilize humanities collections for institutions whose collections and facilities were adversely affected by disasters. Learning from the experiences of cultural institutions during and after hurricanes Katrina and Rita, NEH now funds emergency response projects so that these institutions are prepared in the case of an emergency. For example,

- The hiring of a preservation consultant to conduct a training workshop in emergency response procedures and provide advice for the purchase of basic emergency supplies for the Coachella Valley Emergency Preparedness Network. This consortium includes three historical societies, an historic home, two Native American museums, a separate tribal collection, an aviation museum, a military museum, and a modern art museum. Collectively, these institutions hold 400 cubic feet of archeological materials, 600 baskets, 150 paintings, 16,000 color slides, 1,500 photos, 100 maps, 25 linear feet of archival materials, 825 audio and video recordings, 3,000 volumes and 84 periodical titles; Agua Caliente Cultural Museum, Palm Springs, CA.

In FY 2009, the NEH Division of Preservation and Access received 512 funding applications for a total of \$68.007 million. NEH was able to support 170 of those requests for a total of \$20.462 million (some of these funds also supported We the People grants). Clearly, the need for federal funding in support of preservation and access activities far exceeds available resources. ARL urges Members of the Subcommittee on Interior, Environment, and Related Agencies to consider additional funds for the NEH Preservation and Access Division activities and for NEH overall.

ARL very much appreciates the Subcommittee on Interior, Environment, and Related Agencies' support for NEH's preservation and access activities in the past and requests your ongoing support as you and other members of the Subcommittee consider the NEH Fiscal Year 2011 budget request. Thank you in advance for your consideration of this request. Please let me know if there is additional information that I can provide.

Sincerely,



Prudence S. Adler  
Associate Executive Director  
Association of Research Libraries

House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies

Testimony submitted by Nina Fascione, Executive Director, Bat Conservation International,  
on behalf of the undersigned conservation and research organizations, regarding FY 2011  
funding to address the bat disease White-nose syndrome.

March 19, 2010

On behalf of the undersigned conservation and research organizations, with combined supporters exceeding 1,289,100, we submit the following testimony in requesting an additional \$5 million in designated federal funding to support research and management on White-nose Syndrome (WNS) in FY 2011. We also encourage approval of the pending appropriations requests from the U.S. Fish and Wildlife Service (FWS) and the U.S. Geological Survey (USGS). This funding is urgently needed to understand the cause, transmission and control of WNS and to reduce the impacts of this devastating disease.

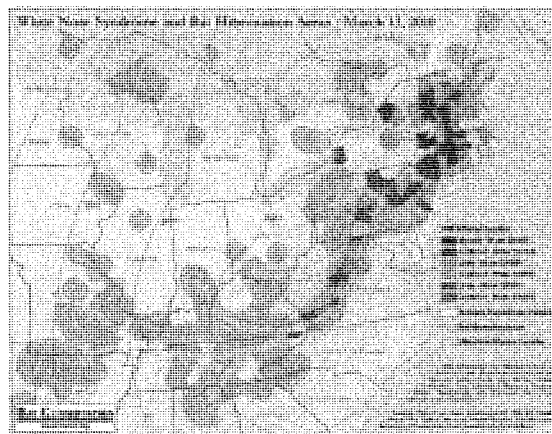
WNS is an infectious disease that has already killed at least one million bats throughout the northeastern United States. The disease is named for a newly described fungus that grows on the noses (and sometimes wings, ears and tails) of affected bats. Hibernating bats affected by WNS experience some or all of the following symptoms: 1) frequent arousals during hibernation, leading to depleted fat reserves; 2) suppressed immune system; 3) damage or scarring of the wings; and 4) abnormal behavior (for example, bats emerge too soon from hibernation and are often seen flying around in midwinter, which usually means they will freeze or starve to death).

The unprecedented mortality associated with WNS has caused "the most precipitous wildlife decline in the past century in North America," with significant ecological and economic consequences throughout the U.S. In the northeastern U.S., where WNS was first discovered in 2006, mortality rates of nearly 100 percent are reported for some bat colonies. Over the past two years, this disease has spread rapidly beyond the Northeast, most recently reaching West Virginia, Virginia, Tennessee and Maryland. It has already killed thousands of endangered Indiana bats and now threatens some of the largest hibernating populations of endangered gray bats, Virginia big-eared bats and Ozark big-eared bats. Ultimately, more than half (25 of 46) of bat species in the continental U.S. are at risk.

Bats play a critical role in maintaining the balance of nature. They are primary predators of vast numbers of insects, including pests that annually cost American farmers and foresters billions of dollars. Additionally, the droppings of bats that live in caves support unique ecosystems, including microorganisms that potentially could provide invaluable resources for detoxifying industrial wastes and producing safer pesticides and antibiotics. Loss of bats would have serious, potentially irreversible consequences, both ecologically and economically.

In June 2009, bat expert Dr. Thomas Kunz of Boston University presented testimony to Congress that outlined a need for WNS funding in excess of \$45 million dollars over a five-year period, with \$17 million in the first year. This was developed through extensive collaboration among scientists and wildlife managers deeply concerned about the possible causes and consequences of WNS. Congress appropriated \$1.9 million for WNS in the FY2010 U.S. Fish and Wildlife Recovery of Listed Species program. Of these appropriated funds, FWS distributed \$1 million to WNS research, \$450,000 to state WNS response activities and \$450,000 to FWS WNS coordination efforts.

Since October 2009, when Congress appropriated this funding, WNS reached two additional states (Tennessee and Maryland) and entered the Southern Region (Region 4) of the U.S. Fish and Wildlife Service (Figure 1). Within the impacted area, more than 19 additional counties were infected in 2010, and WNS now occurs within the range of two additional endangered species (the Virginia big-eared bat and gray bat). A cave used by the largest hibernating colony of Virginia big-eared bats (in Pendleton County, WV) has been diagnosed with WNS, and we expect the largest caves used by gray bats to be impacted within the next year. At the current rate of spread, WNS will very likely be within range of the endangered Ozark big-eared bat within one year.



**Figure 1.** Map showing the current distribution and predicted spread of WNS across the landscape of the Eastern U.S. Red areas depict counties where WNS has been detected, as of February 2010. Blue areas show regions in the U.S. where major hibernating colonies are present. Yellow arrows indicate probable transmission routes as the fungal infection spreads across the U.S.

In addition to the significant risk WNS poses to designated federally endangered species, the little brown bat, a relatively common and widespread species in the U.S., could decline to the point that it warrants petitions for listing. Already this year, the Center for Biological Diversity

has petitioned for endangered species listing of two bat species (Northern long-eared bat and Eastern small-footed bat) due to threats posed by WNS and other factors.

Listing species under the Endangered Species Act is very expensive. According to the Government Accountability Office (GAO-06-463R), the average cost for recovery of an endangered species is \$15.9 million: the highest estimate on record is \$125 million to recover the whooping crane. Bat species affected by WNS have broad geographic distributions and complex life histories, which likely would require even higher recovery costs. The economic consequence of additional bat listings would undoubtedly affect the operational costs of a number of industries, including defense, energy, mining, timber, agriculture, construction, transportation, tourism/recreation and others. We believe it makes better economic sense to fund WNS research and prevention now, rather than bear the cost of endangered species recovery for years to come.

The need for support of research, monitoring, and management of WNS is substantial, but we recognize that the current economic climate may not allow for funding at previously proposed levels. Nonetheless, the geographic scope and expected ecological and economic consequences of WNS will require a substantial financial response.

With an additional \$5 million in appropriated funds for WNS, resources could be available for WNS research grants targeting control and treatment, disease transmission and spread, population genetics, and other topics critical to our understanding of this devastating disease and how to combat it. Funding could also support much-needed development and implementation of federal and state WNS-response plans, critical data collection, surveillance and monitoring and program administration. Finally, resources could be available to fund public outreach and communication efforts to disseminate information to the constituents of states within the impact zone of WNS and those expected to become infected within the next few years.

Congressional support is critical because other funding sources are extremely limited. State budgets have been drastically reduced and federal agencies cannot absorb this cost within their existing resources. We strongly urge Congress to approve the pending appropriations requests from the U.S. Fish and Wildlife Service and the U.S. Geological Survey. A portion of these requested funds will provide some support for WNS research, management and outreach activities, but the FY 2011 federal budget requests will not be sufficient to adequately address this devastating disease. For this reason, we are requesting an additional \$5 million in designated funds for WNS.

Unless additional funding is provided in the FY2011 budget, WNS will continue to spread across the landscape unchecked, killing enormous numbers of North American bats. We desperately need designated support for WNS research, monitoring, management, and outreach. Without targeted funds, agencies may be forced to expend their budgets on internal operating costs, leaving little or nothing to truly address the cause and possible cure of WNS. As a result, we may see significant ecological and economic changes that will have a negative impact on America's taxpayers and the U.S. economy, while adding new species to the ranks of endangered and extinct animals.

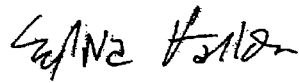
We appreciate the opportunity to share our position concerning this serious matter, and respectfully ask you to consider our urgent request.

Sincerely yours,



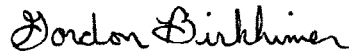

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Nina Fascione, Executive Director  
Bat Conservation International




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Sylvia Fallon, Staff Scientist  
Natural Resources Defense Council



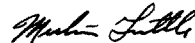

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Gordon Birkhimer, President  
National Speleological Society




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Tennessee State Director  
The Nature Conservancy, TNChapter




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Merlin Tuttle, Founder/ President Emeritus  
Bat Conservation International




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Mollie Matteson, Conservation Advocate,  
Center for Biological Diversity




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Thomas H. Kunz, Ph.D.  
Center for Ecology and Conservation  
Biology  
Boston University




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DeeAnn M. Reeder, PhD  
Department of Biology  
Bucknell University

**Testimony of the Biomass Energy Research Association  
ON BIOMASS ENERGY RESEARCH, DEVELOPMENT & DEMONSTRATION**

Joan L. Pellegrino, President

Board Members: Charles E. Wyman, U. of California, Riverside; Evan Hughes, Consultant,  
formerly Electric Power Research Institute; Mark Paisley, Taylor Biomass Energy; and  
Phil Badger, General Bioenergy, Inc.

**USDA Fiscal Year 2011 Budget Appropriation  
Submitted to the House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies**

**March 19, 2010**

This testimony pertains to the Biomass Energy Research Association's (BERA) recommendations for fiscal year 2011 (FY11) in support of appropriations for the US Department of Agriculture (USDA) related to bioenergy. This includes the **Agricultural Research Service (ARS)** and the **National Agricultural Statistics Service (NASS) USDA Rural Development**, the **USDAFS Forest Products Laboratory**, and **Wildland Fire Programs**. In total, BERA recommends that \$200,000,000 be appropriated in FY 2011 for the specified efforts below.

**USDA Research, Education and Economics**

- **\$20,000,000 to support Environmental Stewardship and facilitate sustainable agricultural practices**, particularly for the production of crops and plants for the use of biofuels.

**USDA Forest Service Forest Products Laboratory**

- **\$20,000,000 to expand and continue microbial and biochemical research at the USDAFS Forest Products Laboratories** to enable the application of biotechnology in wood conversions, and to develop improved fermentation and other technologies to convert low-grade wood cellulose into fuels and chemicals.

**USDA Rural Development**

- **\$50,000,000 to further support the Rural Energy for America Program (REAP)**, to include an additional funds for loan guarantees under the Biorefinery Assistance Program (BAP). The 2011 budget requests \$17 million in discretionary funding; we believe this should be increased to \$50 million.

**USDA Wildland Fire Programs**

- **\$25,000,000 to further support the use of forest residues and thinnings for biopower and other bioenergy applications through the Forest Biomass for Energy Program**. This is an increase of \$10 million over the current requested funding of \$15 million.

**Mandatory Spending for Bioenergy**

- We fully support that the \$85 million in mandatory spending for **Biomass for Advanced Bioenergy** under the Farm bill be completely allocated and funded.

### BACKGROUND

On behalf of BERA's members, we would like to thank you, Mr. Chairman, for the opportunity to present the recommendations of BERA's Board of Directors for the high-priority programs that we strongly urge be continued or started. BERA is a non-profit association based in the Washington, DC area. It was founded in 1982 by researchers and private organizations conducting biomass research. Our objectives are to promote education and research, development and demonstration (RD&D) of the economic production of energy and fuels from freshly harvested and waste biomass, and to serve as a source of information on biomass RD&D policies and programs. BERA does not solicit or accept federal funding for its efforts.

There is a growing urgency to diversify our energy supply, develop technologies to utilize indigenous and renewable resources, reduce U.S. reliance on imported oil, and mitigate the impacts of energy on climate and the environment. The benefits will be many – support for economic growth, new American jobs, enhanced environmental quality, and fewer energy-related contributions to climate change. Economic growth is fueled and sustained in large part by the availability of reliable, cost-effective energy supplies. The import of oil and other fuels into the United States is growing steadily, despite increased volatility in supply and prices, especially petroleum and natural gas. This creates an economic burden on industry and consumers alike, and adversely impacts our quality of life. A diversified, sustainable energy supply is critical to meeting our energy challenges and maintaining a healthy economy with a competitive edge in global markets. Biomass can diversify U.S. energy supply in several ways:

- Biomass is the single renewable resource with the ability to **directly replace liquid transportation fuels.**
- Biomass can be used as a feedstock to **supplement the production of chemicals, plastics, and materials now produced from crude oil.**
- Gasification of biomass produces a syngas that can be utilized to **supplement the natural gas supply, generate electricity, or produce fuels and chemicals.**

While biomass will not solve all our energy challenges, it can certainly contribute to the diversity of our supply, and do so in a sustainable way, while minimizing impacts to the environment or climate. The Energy Independence and Security Act (EISA) of 2007 mandates increased use of alternative fuels, with a substantial portion to come from cellulosic biomass. To meet the ambitious EISA goals will require aggressive support for RD&D to move technology forward and reduce technical and economic risk. We also support the energy provisions of the American Reinvestment and Recovery Act of 2009 (ARRA), particularly those that provide loan guarantees for new plants and research for renewable energy.

Biomass energy plantations that provide feedstocks for forest biorefineries producing paper products as well as fuels and biopower could make an important contribution to our energy supply while providing a boost for rural economies. Wood also can be used instead of petroleum and natural gas to produce many high-value products such as plastics and chemicals. However, targeted research is needed to make this a reality. Other cellulosic feedstocks, such as agricultural residues and dedicated energy crops (short rotation poplar, switchgrass) are expected to be a primary resource for bioenergy in the future. However, research will be needed to overcome issues of recalcitrance, low yields, cost effective harvesting and storage, and other



challenges to ensure these resources are viable as future bioenergy feedstocks. Some of this research is ongoing at the US Department of Energy; however, there is a strong role for R&D in this area at USDA as well, particularly in harvesting and storage, and basic plant science and breeding. Without additional targeted research with significant Federal investment, the ambitious goals set by the RFS will not likely be met, nor will the real promise of a bioindustry be realized.

#### **OVERALL BERA RECOMMENDATIONS FOR USDA BIOENERGY R&D**

BERA's recommendations support key areas that will contribute to sustainable forestry and agriculture, as well as the creation of viable renewable resources as part of a diversified energy supply. Specific recommendations are:

**Support and Expand Bioenergy Energy Research by the Agricultural Research Service (ARS) and Forest Products Laboratories:** This important research is needed to maximize production, harvesting and storage of plants for bioenergy purposes. While the focus is on R&D to effectively use energy crops and residues and maximize their conversion to biofuels and bioenergy, there is also the need to develop the production equipment and practices needed to ensure a viable supply infrastructure at the large volumes necessary for an expanded bioindustry. In addition to the existing program, we are recommending research be initiated, in collaboration with programs at the US Department of Energy, on harvesting and other production equipment as well as storage and transportation. This research should include demonstration and validation of systems at the appropriate scale needed to support the large volumes of biomass feedstock needed meet the new RFS.

R&D is needed to enhance the use of energy crops and crop residues as viable energy resources. We recommend that the major thrust be on increased energy crop yields per acre, for both woody and herbaceous crops. This effort should include research, development and some large-scale (~500-acre units) plantings of species/genomes selected through R&D and assessment.

**Continue Rural Development Programs to Support Bioenergy.** The 2010 budget provided discretionary funding for the Rural Energy for America Program (REAP), a substantial increase over 2009. We want to see that this program continues an upward trend. This program is highly successful and historically over-subscribed, requiring additional investments. We advocate a substantial increase in funding to support the active interest in this program and renewable energy sources, including biofuels. This includes funding for biofuels under both REAP and the Biorefinery Assistance Program (BAP), above the mandatory funding provided by the 2008 Farm Bill.

**USDA Wildland Fire Programs.** These programs are critical to expanding the use of wood wastes and residues for biopower and other bioenergy platforms. The Forest Biomass for Energy Program is vital for continuing to expand the recovery and reuse and these valuable resources.

#### **CONCLUSIONS**

Expansion of the USDA programs as recommended by BERA enables a considerably higher probability of significantly increasing the contribution of biomass to primary U.S. energy demand through energy crops, encouraging sustainable energy crop production, improving the

cost effectiveness and diversity of biomass resources for bioenergy, and providing opportunities for rural development.

BERA recommends that all aspects of the feedstock infrastructure – from sustainable production of high yield crops to cost-effective delivery of those crops to the bioenergy customer – be developed with support from USDA, as outlined above. While grain crops are a viable solution for the near term for bioenergy, they do not provide a sustainable solution at the large volumes needed to really impact our energy use. Thus, BERA includes R&D recommendations to ensure the availability of a wide diversity of non-food cellulosic feedstocks for bioenergy, such as dedicated energy crops and agricultural residues, while considering the challenges of environmental and societal sustainability and maintaining the economic vitality of America's farmers.

March 19, 2010

The Honorable Jim Moran  
Chairman  
Interior Appropriations Subcommittee  
B-308 Rayburn HOB  
Washington, D.C. 20515

The Honorable Michael Simpson  
Ranking Member  
Interior Appropriations Subcommittee  
1016 Longworth HOB  
Washington, D.C. 20515

Dear Chairman Moran and Ranking Member Simpson:

On behalf of the undersigned Bird Conservation Alliance members, we want to thank you Chairman Moran and Ranking Member Simpson for this opportunity to speak to you and the members of this subcommittee about the need to increase funding to federal bird conservation programs that have proven effective. The Bird Conservation Alliance (BCA) is a network of bird conservation organizations, scientific societies, environmental groups and birding clubs working together to conserve wild birds. Funding for these programs is crucial for restoring and maintaining healthy and abundant bird populations throughout the United States. For many of these programs, the need is far greater than the levels that we are advocating for.

For the purposes of this letter, we will focus on the **U.S. Fish and Wildlife Service's Neotropical Migratory Bird Conservation Act (NMBCA) grants program and the Joint Ventures (JV) program**. The BCA requests NMBCA be funded at **\$6.5 million** (\$1.5 million above FY10's level) and JVs be funded at **\$18 million** (\$4 million above FY10's level) to allow them to meet their increased responsibilities. An increase in funding for these programs would benefit the songbirds that are soon to arrive in the backyards and birdfeeders of millions of anxiously-awaiting Americans.

America is blessed with a spectacular abundance and rich diversity of birds, with more than 800 species inhabiting the mainland, Hawaii, and surrounding oceans. Currently 75 million Americans engage in bird watching generating over \$45 billion to our economy every year. Unfortunately, we found out in last year's U.S. Fish and Wildlife Service's groundbreaking *State of the Birds Report* that many of our bird species are in decline and some are threatened with extinction. The 2010 State of the Birds finds that most U.S. bird species will be imperiled by climate change, including common birds that are currently not of conservation concern.

#### **Neotropical Migratory Bird Conservation Act**

To address two of the primary causes for the decline of bird species; habitat loss and degradation, both of which are rapidly increasing south of our border – the BCA respectfully suggests that Congress act to help mitigate their impact by improving the appropriations level for the Neotropical Migratory Bird Conservation Act grants program. As the Subcommittee knows, the Neotropical Migratory Bird Conservation Act supports partnership programs in the United States, Canada, Latin America, and the Caribbean to conserve migratory birds, especially on their wintering grounds where birds of nearly 350 species, including some of the most endangered birds in North America, spend their winters. Projects include activities that benefit

bird populations such as habitat restoration, research and monitoring, law enforcement, and outreach and education.

From 2002-2008, grant money has gone out to 44 U.S. states and 34 countries, funding 260 projects, impacting almost three million acres of critical bird habitat. More than \$250 million in federally appropriated dollars have leveraged over \$116 million in partner contributions. However, demand for funding of high-quality conservation projects far outstrips current appropriations, and in 2008, 63 projects requesting nearly \$10,000,000 were not funded. From these numbers, it is clear that conservation that would benefit our migrant songbirds is not able to take place due to a lack of funding for this program.

#### **Joint Ventures**

Joint Ventures (JVs) also exemplify a highly successful, cost-effective approach to conservation and are now being looked to as model for the Landscape Conservation Cooperatives. By applying science and bringing diverse constituents together, JVs across the United States have created a model for solving wildlife management problems and restoring habitats critical to conserving declining species. Nationally, JVs have protected, restored, or enhanced more than 13 million acres of important habitat for migratory bird species. There are currently 21 JVs in the United States that provide coordination for conservation planning and implementation of projects that benefit all migratory bird populations and other species.

Joint Ventures have a long history of success in implementing bird conservation initiatives mandated by Congress and by international treaties. Projects are developed at the local level and implemented through diverse public/private partnerships. These projects reflect local values and needs, while addressing regional and national conservation priorities. The projects benefit not only birds, but many wildlife species, and have a positive impact on the health of watersheds and local economies.

Every dollar invested in JVs leverages more than \$44 in non-federal partner funds (1999-2004) for on-the-ground habitat conservation and restoration projects, biological planning, and outreach. Additional dollars would help JVs strengthen the public/private partnerships that leverage increasingly scarce public funds for on-the-ground habitat restoration and acquisition projects; continue to incorporate recent scientific advances in the development of landscape-conservation plans; and build capacity within the newer Joint Ventures, while maintaining expertise within established ones.

BCA strongly believes increased funding for NMBCA and JVs is essential to achieving conservation goals critical to our environment and economy. Just as importantly, these federal programs are good values for taxpayers, leveraging over four and forty four respective dollars in partner contributions for every one that we spend.

Sincerely,

Darin Schroeder  
Vice President of Conservation Advocacy  
American Bird Conservancy

Bruce Johnson, President  
Audubon Society of Northern Virginia  
Virginia

John Faaborg  
American Ornithologists Union

Tim Richardson  
American Land Conservancy &  
Wildlife Forever

Rodney Siegel, Executive Director  
The Institute for Bird Populations  
Point Reyes Station, California

Dan Silver, Executive Director  
Endangered Habitats League  
Los Angeles, California

Catherine Rich, Executive Officer  
The Urban Wildlands Group  
Los Angeles, California

Thomas Parchman, President  
Audubon Society of Greater Denver  
Littleton, Colorado

Charles H. Trost, Ph.D.  
Field Trip Chair and Board Member  
Portneuf Valley Audubon Society  
Pocatello, Idaho

Donnie Dann, Advocacy Chair  
Bird Conservation Network  
Chicago, Illinois

Kurt R. Schwarz, Conservation Chair  
Maryland Ornithological Society

Gil Randell, Chairman  
Hawk Migration Association of North America  
Plymouth, New Hampshire

David Govatski, Chairman  
Friends of Pondicherry NWR  
Jefferson, New Hampshire

Elizabeth Hurst-Waitz, Chapter President  
Central New Mexico Audubon Society  
Albuquerque, New Mexico

Jane Alexander, Board member of American Birding  
Association

Advisory Board member of American Bird  
Conservancy  
Dobbs Ferry, New York

Ron Martin  
North Dakota Birding Society  
Sawyer, North Dakota

W. Hardy Eshbaugh, President  
Audubon Miami Valley  
Oxford, Ohio

Tom Romito, President  
Western Cuyahoga Audubon Society  
Cleveland, Ohio

Steve Sherrod  
Sutton Avian Research Center  
Bartlesville, Oklahoma

David Harrison, MD, Conservation Chair  
Salem Audubon Society  
Salem, Oregon

Bill Hilton Jr.  
Executive Director, Hilton Pond Center for Piedmont  
Natural History  
York, South Carolina

Ann Shahid, Important Bird Areas Coordinator  
Audubon South Carolina  
Harleyville, South Carolina

Dick Preston, President  
Tennessee Ornithological Society  
Munford, Tennessee

Wallace Elton  
Ascutney Mountain Audubon Society  
Springfield, Vermont

Paul Hunter, Secretary  
Milwaukee Olmsted Bird Conservation Alliance of  
Wisconsin  
Milwaukee, Wisconsin

Lisa Sorenson, Ph.D.  
President, Society for the Conservation and Study of  
Caribbean Birds  
Washington, D.C.

**American Bird Conservancy      Association of Fish and Wildlife Agencies**  
**National Audubon Society      The Wildlife Society**

March 19, 2010

The Honorable Jim Moran  
 Chairman  
 Interior Appropriations Subcommittee  
 B-308 Rayburn HOB  
 Washington, D.C. 20515

The Honorable Michael Simpson  
 Ranking Member  
 Interior Appropriations Subcommittee  
 1016 Longworth HOB  
 Washington, D.C. 20515

Dear Chairman Moran and Ranking Member Simpson:

The Bird Conservation Funding Coalition (BCFC) consists of national organizations that jointly advocate for federal funding to advance bird conservation. Birds are not only beautiful and interesting creatures eagerly welcomed by millions of Americans into their backyard every year; bird watching is also a big business. According to a report released by the U.S. Fish and Wildlife Service, birdwatchers contributed \$36 billion to the U.S. economy in 2006, the most recent year for which economic data are available. The report, "Birding in the United States: A Demographic and Economic Analysis," shows that total participation in bird watching is strong at 48 million and has remained steady since 1996. Birds also naturally provide billions of dollars worth of pest control each year, benefitting farmers and consumers alike.

We ask that you once again provide funding to programs we believe are crucial for maintaining healthy and abundant bird populations throughout the United States. For many of these programs, the need is far greater than the recommended levels. However, we recognize our nation's severe fiscal constraints and are thereby requesting a modest increase for this coming fiscal year. These programs are:

- **Neotropical Migratory Bird Conservation Act Grants Program (NMBCA)**

The Neotropical Migratory Bird Conservation Act Grants Program supports partnership programs to conserve birds in the U.S., Latin America and the Caribbean, where approximately 5 billion birds representing 341 species spend their winters, including some of the most endangered birds in North America. Between 2002 and 2008, the program supported 260 projects, coordinated by partners in 44 U.S. states/territories and 34 countries. More than \$25 million in federally appropriated dollars have leveraged over \$116 million in partner contributions. The BCFC respectfully requests the Committee prioritize FY2011 funding for the NMBCA at \$6.5 million, an increase of \$1.5 million from the amount appropriated in FY2010.

- **Joint Ventures (JVs)**

Joint Ventures exemplify a highly successful and cost-effective approach to the conservation of all migratory bird populations. JVs are regionally based partnerships of public and private organizations dedicated to the delivery of bird conservation within their boundaries. They also have a long history of demonstrated success in implementing bird conservation initiatives mandated by Congress and by international treaties. For every federal dollar that was invested in

JVs from 1999-2004, more than \$44 in non-federal partner funds was brought to the table for on-the ground habitat conservation and restoration projects, biological planning, and outreach. The BCFC respectfully requests the Committee allocate \$18 million for FY2011, an increase of \$ 4 million from the appropriated amount in FY2010.

- **Science and Monitoring**

Science and Monitoring done within the USFWS Office of Migratory Bird Management provides invaluable information on the status and trends of bird species necessary for sound management decisions. This scientific information helps to ensure that funds are allocated wisely within all other BCFC priorities. The BCFC respectfully requests the Committee provide \$35 million for this important program, an increase of approximately \$4 million from the appropriated amount in FY2010.

- **North American Wetlands Conservation Act (NAWCA)**

NAWCA provides funding for conservation projects for the benefit of wetland-associated migratory birds in the United States, Canada, and Mexico. Unfortunately, more than half of the original wetlands in the U.S. have been lost, contributing to the steady decline of migratory birds. Approximately 4,000 partners through 1,943 projects have received more than \$1 billion in grants from 1990-2009 which have contributed another \$2.06 billion in matching funds to affect 25.2 million acres of habitat. The BCFC respectfully requests the Committee prioritize FY2011 funding for NAWCA at \$52.6 million, an increase of approximately \$5 million from the level appropriated in FY 10.

- **State and Tribal Wildlife Grants Program**

The State and Tribal Wildlife Grants Program is the nation's core program for preventing wildlife from becoming endangered and supports strategic conservation investments in every state and territory. The conservation actions funded by this program puts thousands of Americans to work to remove invasive species, restore and protect habitat, reintroduce native wildlife and to work with private landowners to improve habitat for at risk birds and wildlife. In order to ensure the states and territories can implement needed conservation actions that will retain and create thousands of jobs that will save both wildlife and taxpayer dollars, we ask you to support the reduction in the non-federal match requirement from 50% to 35% to help financially strapped states. The BCFC respectfully requests the Committee allocates \$100 million for FY2011, an increase of \$10 million from the level appropriated in FY2010.

- **International Affairs within the US Fish and Wildlife Service**

Wildlife Without Borders (WWB), located within the USFWS Division of International Conservation, is a mainstay of bird conservation in Mexico, Central America, and the Caribbean. WWB programs are a foundation for long-term conservation efforts because they focus on developing in-country capacity and leverage four dollars for every federal dollar appropriated. The BCFC respectfully requests the Committee prioritize FY2011 funding at \$22 million which is an increase of \$8 million from the level appropriated in FY2010.

- **International Programs within the USDA Forest Service**

International Programs within the USDA Forest Service support an array of extremely effective bird conservation projects with a relatively small budget. Among these are restoration of Kirtland's Warbler with programs in Michigan and the Bahamas, and conservation of breeding habitat in Canada's Boreal Forest. This modest increase in funding would be used to expand and accelerate work on these projects, as well as projects benefiting the rapidly-declining Cerulean Warbler, declining prairie grasslands birds, declining forest birds such as the Wood Thrush, conservation of mangroves and wetlands of Mexico's Pacific Coast and conservation of habitat for migratory hummingbirds in forests of western US, Canada and Mexico. The BCFC respectfully requests the Committee provide \$16 million for FY2011, an increase of \$6.2 million over FY2010.

- **USGS American Breeding Bird Survey (BBS)**

BBS has been providing data crucial for migratory bird conservation planning since 1966. Today, the BBS provides the foundation for non-game, land bird conservation in North America with over 3,200 skilled volunteer participants sampling 3,000 routes annually across the continental U.S. and southern Canada. The BCFC respectfully requests the Committee provide this important program with the highest possible level of funding.

Birds, other wildlife, and their habitats are perhaps the greatest legacy we have to leave to our children and subsequent generations. Money that is spent now on wildlife programs will be repaid many times over in a cleaner healthier environment from which we will all benefit.

Again, we thank you for your steadfast support of these critically important programs.

Sincerely,

Darin C. Schroeder  
Vice President of Conservation Advocacy  
American Bird Conservancy

Michael Daulton  
Senior Director for Government Relations  
National Audubon Society

Ron Regan  
Executive Director  
Association of Fish and Wildlife Agencies

Michael Hutchins  
Executive Director  
The Wildlife Society



**\*THE SUBCOMMITTEE RECEIVED SIMILAR LETTERS FROM INTERESTED INDIVIDUALS.\***

TO: House Appropriations Subcommittee on Interior, etc.  
 FROM: Carla Bowers, Wild Horse Advocate, P.O. Box 44, Volcano, CA  
 DATE: March 8, 2010

**RE: BLM FY2011 BUDGET HEARING 3/9/10, 2 PM – Reject Increased Funding for BLM Wild Horse & Burro Program – Written Public Testimony**

As a taxpayer, I request you reject BLM Director Bob Abbey's request to increase funding of the Wild Horse and Burro Program budget. It is fiscally irresponsible to increase funding for this poorly managed & unsustainable program. The Director's requested \$12 million operational budget increase and \$42.5 million allocation for the purchase of land in the Midwest or East for a wild horse "preserve" should be flat out denied.

At issue is the need for major reform of the BLM's policy of rounding up and removing wild horses and burros from their native legal Western ranges and stockpiling them in government holding facilities throughout the West & Midwest at preposterous taxpayer expense. The policy has resulted in more wild horses and burros stockpiled in government holding facilities (35,000+) than are left in the wild. The cost to taxpayers to roundup and warehouse wild horses in holding facilities exceeds \$50 million a year, more than three-fourths of the budget. Moreover, last December a federal judge found that BLM's long-term holding facilities, where the vast majority of these warehoused horses exist, are likely illegal.

Allocating even more funds to this poorly managed and possibly illegal program without serious requirements for reform via improvement & passage of S1579, the ROAM Act, or restoring the full intent of the 1971 Wild Free-Roaming Horse & Burro Act, is fiscally irresponsible & a total disservice to our national treasures that helped us create this country.

Please see that any appropriation for the BLM's Wild Horse & Burro Program includes these requirements for reform:

- \* A suspension of roundups in all but truly emergency situations.
- \* A prohibition on the use of any funds to euthanize healthy horses or sell horses directly or indirectly to slaughter.
- \* Phasing out long-term holding and shifting BLM resources toward managing horses on their Western range in a humane and minimally intrusive manner as Congress intended in 1971.
- \* Prohibition of funding for any so-called "preserves" as outlined in Secretary Salazar's plan, starting with the \$42.5 million one currently proposed in BLM's FY11 budget request.

Thank you for your attention to this critical issue.



Daniel Brister, Executive Director  
 Buffalo Field Campaign  
 PO Box 957 West Yellowstone MT 59758  
 Phone: (406) 646-0070 Fax: (406) 646-0071  
 Web: [www.buffalofieldcampaign.org](http://www.buffalofieldcampaign.org) Email: [bfc@wildrockies.org](mailto:bfc@wildrockies.org)

March 18, 2010

Dear Chairman James P. Moran and Congressional members of Subcommittee on Interior, Environment, and Related Agencies,

Thank you for the opportunity to comment on estimated Congressional appropriations of \$1.3 million to Yellowstone National Park and the U.S. Forest Service for the Interagency Bison Management Plan. The House Agricultural subcommittee oversees appropriations estimated at \$1.5 million to U.S. Dept. of Agriculture Animal and Plant Health Inspection Service to participate in the plan and fund Montana Department of Livestock operations (GAO, 2008).

Buffalo Field Campaign was founded in 1997 to stop the slaughter of Yellowstone's wild buffalo herd, protect the natural habitat of wild free-roaming buffalo and native wildlife, and to work with people of all Nations to honor the sacredness of the wild buffalo. Located in West Yellowstone, Gallatin County, Montana, our organization is comprised of citizens in Montana, Idaho and Wyoming, and people from around the world who value America's native wildlife and the ecosystems upon which they depend, and enjoy the natural wonders of our irreplaceable public lands and waters.

Buffalo Field Campaign is concerned and actively involved with protecting the last remaining descendants of indigenous buffalo in North America to continuously occupy their original range in Yellowstone.

Buffalo Field Campaign sends this plea to the U.S. Congress to scrutinize and reconsider appropriations for the Interagency Bison Management Plan, which appears incapable of conserving wild buffalo populations for future generations, or protecting state's brucellosis-free cattle marketing status, the plans stated goals. Ten years later with an investment of over \$30 million in American taxpayer dollars to kill several thousand wild buffalo inhabiting Yellowstone National Park, the inter-agency partners are still no closer to achieving any goal of its plan.

In order to conserve wild buffalo for future generations, populations must freely range the entirety of the greater Yellowstone ecosystem just like wild elk.

Congressional funding would be far more effectively and wisely spent to conserve year-round habitat for viable populations of wild buffalo and other native species in the greater Yellowstone ecosystem by purchasing livestock grazing rights in perpetuity from willing sellers.

We strongly encourage Congress to redirect funds currently appropriated for Yellowstone National Park's participation in the interagency plan that results in the slaughter of wild buffalo, to conserve wildlife habitat, and address any disease concern by purchasing livestock grazing rights in perpetuity. National Forests adjacent and contiguous to the Park should collaborate in this endeavor through Congressional Land and Water Conservation Fund appropriations.

Congress should fully consider the ecological, cultural and economic benefits of permanently closing livestock grazing allotments, removing infrastructure, and making habitat on private lands available for indigenous wildlife, fish and plant species.

There are substantial social, cultural and economic benefits from wildlife viewing, hunting and fishing opportunities, and other direct localized benefits from purchasing grazing rights in perpetuity and conserving habitat for native species.

According to the U.S. Fish & Wildlife Service (2008) wildlife viewing in Montana contributed \$376,451,000 in retail sales, 9,772 jobs, and nearly \$100,000,000 in local, state and federal revenues.

Montana's premier hunting, fishing and recreational pursuits accounts for a substantial part of local economies as a result of National Parks, National Forests, National Wildlife Refuges, and state wildlife management areas being managed for native wildlife, fish and plant species.

A Montana Fish Wildlife & Parks study (2009) found hunters and anglers spent over \$532 million dollars to pursue native fish and wildlife species in Montana.

The greater Yellowstone ecosystem hosts one of the largest complexes of National Parks, National Wildlife Refuges, National Forests, Wilderness, Wild and Scenic Rivers, and state Parks and Wildlife areas in the United States that serves as a driver for a vibrant and growing sector of Montana's economy.

Montana's Office of Tourism reports 10 million people visited Montana in 2008, spent \$3 billion dollars, generating \$228 million in state and local tax revenues.

It is also important for Congress to look at economic trends, and the decline of livestock sales and income in seven counties adjacent to Yellowstone National Park as a bellwether of long-term economic viability.

Headwaters Economics (2009) reports a significant decline from 1970-2006 in livestock cash sales in each of seven Montana counties to the north and west of Yellowstone National Park including two counties that host gateway communities to America's first national park. From the profitable livestock income experienced by all seven Montana counties in 1970 only two counties reported gains from livestock sales in 2006.

By directing the U.S. National Park Service and U.S. Forest Service to prioritize purchasing grazing rights on private lands in the greater Yellowstone ecosystem, Congress would recognize continued private ownership of the lands while making funds available to ranchers who have

experienced sustained losses, and whose families cannot carry on their livestock businesses but wish to leave behind a wildlife legacy for future generations to enjoy.

If Congress assists in making funds available for this endeavor, numerous American Indian tribes with cultural ties to wild buffalo, at least 27 tribes with present ties to Yellowstone National Park, and tribes who hold treaty rights to hunt buffalo, would benefit from the renewed abundance and distribution of wild populations on the land.

Nez Perce, Confederated Salish & Kootenai, and Shoshone Bannock tribes retain and exercise treaty rights to hunt wild buffalo on open and unclaimed federal lands such as National Forests and Bureau of Land Management lands that adjoin Yellowstone National Park.

57 tribes are part of InterTribal Bison Cooperative a federally recognized tribal business that has worked for two decades to reestablish traditional bison herds "to promote cultural enhancement, ecological restoration, and economic development."

With the recent addition of Nez Perce, Confederated Salish & Kootenai, and InterTribal Bison Cooperative representatives to Interagency Bison Management Plan and technical committee meetings, the opportunities for Tribal co-management of wild buffalo as a cultural resource arise.

Traditional ecological knowledge of buffalo has yet to be represented in federal management decisions affecting America's last wild population to continuously occupy their native range. Congress can help redirect a wasteful and costly plan that is now in perpetual conflict, with one that seeks resolution of conflict to conserve our natural heritage.

It is also vital that Congress recognize that without viable habitat to sustain populations, repeated, large-scale removal by the government of wild buffalo diversity in the Yellowstone ecosystem is ensured under the adaptive plan.

A National Park Service report on Conservation Genetics of Yellowstone Bison cautioned: "Large-scale management removals likely remove a disproportionate level of calf-mother pairs and reduce rates of genetic recombination through non-random harvest of bison from each breeding herd leading to higher probability of lost genetic diversity (Allendorf and Luikart 2007, Allendorf et al. 2008)."

The Interagency Bison Management Plan's target population is 3,000 buffalo with no minimum population size for distinct breeding groups or subpopulations.

Traill (2009) and colleagues found that populations of endangered species are unlikely to persist in the face of global climate change and habitat loss unless they number around 5,000 mature individuals or more. Dr. Lochran Traill cautioned: "Our review found that populations smaller than about 5000 had unacceptably high extinction rates. This suggests that many targets for conservation recovery are simply too small to do much good in the long run."

Buffalo corridors and habitat on National Forest lands in the Madison, Gallatin and Yellowstone River valleys exist and the Gallatin National Forest plan goal of providing "habitat for viable

populations of all indigenous wildlife species...” would compliment purchase of grazing rights on private lands that adjoin National Forests. Purchasing private grazing rights with National Forest grazing allotments would also enhance available habitat for native species.

Restoring wild buffalo on the landscape will help restore the keystone ecological role of wild buffalo in their native habitat. Grazing by buffalo can reverse the loss of native grassland species and the disruption of grassland ecosystem structure and function caused by their extirpation (Collins et al. 1998).

Fallon (2009) found that the distribution and abundance of buffalo increases abundance and distribution of native plant and wildlife species. Buffalo wallows create unique habitats used by frogs and reptiles and contribute to drought and fire resistant plants, and keep grasslands open by rubbing and horning trees. Buffalo are also a significant food source for predators in the Yellowstone ecosystem “including birds, small mammals, gray wolves and grizzly bears.”

Water quality and quantity, and habitat for aquatic life and native fish would improve across the landscape where livestock and allotment infrastructure is removed from rivers, streams, creeks, lakes, marshes and ponds allowing for recovery of riparian habitats, and imperiled fish populations like Yellowstone cutthroat trout and arctic grayling.

Where fencing is removed, connectivity of core habitats and migratory corridors permits freer range and dispersal and access to forage in Yellowstone ecosystem which hosts one of North America’s largest migrations of native elk, buffalo, mule deer, pronghorn antelope, and bighorn sheep.

It is our hope and prayer that the U.S. Congress will honor our cultural heritage by leaving a legacy of wild buffalo to fulfill their inherent ecological role within their native range, and serve as the genetic wellspring for future wild buffalo populations in North America.

We encourage the Chairman and members of the subcommittee to contact our organization to assist you in your endeavor to conserve wild buffalo and their habitat however we can.

Sources: U.S. Government Accountability Office, Yellowstone Bison - Interagency Plan and Agencies' Management Need Improvement to Better Address Bison-Cattle Brucellosis Controversy, April 2008. Montana Fish, Wildlife & Parks 2008 Hunter/Angler Use and Expenditures Fact Sheet, July 2009. Headwaters Economics, Economic Profile System, [www.headwaterseconomics.org](http://www.headwaterseconomics.org), February 2009. Montana's Office of Tourism, Montana's Tourism & Recreation Industry Fast Facts, September 2009. U.S. Fish & Wildlife Service, Wildlife Watching in the U.S.: The Economic Impacts on National and State Economies in 2006, July 2008. National Park Service, Conservation Genetics of Yellowstone Bison, October 2, 2008. Gallatin National Forest Land and Resource Management Plan, 1987. InterTribal Bison Cooperative, Interagency Bison Management Plan Partners letter, January 29, 2010. Traill et al, Pragmatic population viability targets in a rapidly changing world, in press, Biological Conservation, June 2009. Collins et al, Modulation of Diversity by Grazing and Mowing in Native Tallgrass Prairie Science, May 1, 1998. Fallon, The ecological importance of bison in mixed-grass prairie ecosystems, 2009: [buffalofieldcampaign.org/habitat/bisonconservation.html](http://buffalofieldcampaign.org/habitat/bisonconservation.html).



## CASCADE LAND CONSERVANCY

CONSERVING GREAT LANDS  
CREATING GREAT COMMUNITIES

March 18, 2010

The Hon. James Moran, Chairman  
Subcommittee on Interior, Environment, and Related Agencies  
Appropriations Committee  
U.S. House of Representatives  
Rayburn House Office Building  
Washington, DC 20515

### Re: FY11 Land & Water Conservation Fund – Washington State

- **Mt. Rainier National Park - \$2.5 million**
- **Skokomish River, Olympic National Forest - \$1.2 million**
- **Skykomish Valley, Mt Baker Snoqualmie National Forest - \$1 million**
- **Central Cascades Ecosystem, Wenatchee National Forest - \$4 million**
- **Pacific Crest Trail, Wenatchee National Forest - \$3 million**

Dear Mr. Chairman,

Cascade Land Conservancy supports five important land acquisition projects within the national forests and parks in Washington State. These will protect important ecological resources, such as old-growth forests and salmon habitat and will also provide accessible recreational opportunities. Acquisition will reduce the cost of management for the federal agency. We encourage you to include funding from the Land and Water Conservation Fund for these projects in the FY11 Interior Appropriations Bill.

#### **Mt Rainier National Park - \$2.5 million**

Funds would allow the National Park Service to acquire approximately 210 acres within the Carbon River expansion area of Mt. Rainier National Park, which Congress approved in 2005. Congress has previously appropriated funds for other parcels in this area. The land owners are willing sellers, and Cascade Land Conservancy is assisting the National Park Service with the acquisition of these tracts.

The target properties include a half mile of the wild and meandering Carbon River that flows from the glaciers of Mt. Rainier. The river provides habitat for salmon and steelhead, and the uplands support a variety of terrestrial wildlife species. Conservation of these properties will help link the surrounding wildlife corridors and protect the ecosystem health of the Carbon River Valley, linking the Fairfax Forest to the north, the National Park and National Forest to the east. It will also be a link in the proposed pathway of the Foothills Rails-to-Trails corridor. This expansion will provide recreational opportunities for hiking, camping, whitewater paddlers, and other outdoor enthusiasts.

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This scenic property is the best location to build a new campground above the floodplain, to replace the one upstream that has repeatedly flooded. Along with providing park visitors improved access, the new entrance will reduce the cost of flood caused road repairs.

**Skokomish River - \$1.2 million**

Funds would allow the Forest Service to acquire a 640-acre parcel of private land within the Olympic National Forest. The Forest Service has proposed acquiring lands in this area. The landowner is a willing seller and Cascade Land Conservancy is assisting the Forest Service with the transaction.

The target property includes a lake and two segments of the wild Skokomish River, which flows into Hood Canal and provides habitat for salmon and steelhead and terrestrial species. Lake West is a shallow 20-acre lake adjacent which supports populations of smallmouth bass and resident trout, and holds significant potential for wildlife enhancement opportunities, particularly for bald eagles and osprey. Islands in the lake offer a diversity of microhabitats for marsh birds and amphibians. The area is frequented by Roosevelt elk.

This property is easily accessible from Olympia and local rural communities. Acquisition would secure permanent public access and offer significant potential for enhancing outdoor recreational opportunities. Possibilities include an expansion of the current trail system, as well as bird watching, fishing, and boating.

The parcel is bordered on three sides by national forest land. The checkerboard pattern of land ownership between the Forest Service and private timber companies, have complicated land management and increased costs for both. This acquisition would help to solve that problem by reducing joint boundaries by three miles.

**Skykomish Valley – \$1.0 million**

These funds would allow the Forest Service to acquire a 190 acre parcel near the town of Index. This parcel is within the Mt. Baker-Snoqualmie National Forest and includes a segment of the highly popular trail to Bridal Veil Falls and Lake Serene. The trail crosses this parcel, but the Forest Service does not have an easement. Thus, the land owner could block public access. The landowner is a willing seller and the Cascade Land Conservancy is assisting the Forest Service with the acquisition of this tract.

This is part of a broader project to acquire inholdings in the valley that have high conservation and recreation values, which would be added to the National Forest. These wild lands support a diversity of habitat including late-successional forest, alpine terrain, and low elevation riparian habitat. Species found on the properties include spotted owl, mountain goat, and cougar. Several of the properties would provide opportunities for public access to the Skykomish, Miller, and Beckler Rivers, which also have important habitat for federally listed salmon. Just 20 miles east of the Seattle/Everett metropolitan area, the area is extremely popular for fishing, hiking, hunting and other recreational uses.

Parcels include Grotto Mtn. which borders the Wild Sky Wilderness and Windy Ridge which is adjacent to the Henry M. Jackson Wilderness. Maloney Creek is just south of the Town of Skykomish, where there is a potential for a short trail to a rock knob that gives panoramic vistas of the town and surrounding mountains.

**Washington Cascades Ecosystem - \$4 million**

These funds would allow the Forest Service to acquire a set of parcels totaling 2,513 acres within the Wenatchee National Forest. Acquisition of parcels in this area is part of an ongoing program of consolidating lands in the central Cascades, which has long been a Forest Service priority. The landowner is a willing seller.

The legacy of the 19th century land grant to the Northern Pacific Railroad is the extensive checkerboard ownership pattern across the Central Cascades. This area is also a popular recreation area and a critical habitat link for wildlife connectivity, which has been impacted by logging, development and roads. In recent years, the upper Kittitas valley has been attractive for those seeking second homes, exacerbating the challenges presented by the pattern of checkerboard ownership. Fragmented forestlands present difficulties for forest managers with respect to fire suppression, containment and eradication of invasive species, limits on public access, road management and protection of watersheds.

Because of the checkerboard pattern in the central Cascades and the intrusion of development along the I-90 corridor from both the east and the west, this region has acted as a bottleneck for wildlife movement. A number of threatened or endangered species inhabit the area, including grizzly bear, wolf, spotted owl, steelhead, wild salmon, and bull trout. Additionally, the area provides habitat for an abundance of other wildlife—elk, deer, marten, cougar, and bobcat.

The Washington Cascade Ecosystem project area is strategically located to provide wildlife connectivity between four conservation areas. To the north lies the Alpine Lakes Wilderness. To the south lie the Norse Peak Wilderness and Mount Rainier National Park. To the west is the City of Seattle's Cedar River watershed. Concurrently, the Washington Department of Transportation is incorporating wildlife crossing structures in its upgrade of Interstate 90.

Available for acquisition in FY 2011 are several properties near the crest of the Cascade Mountains. The Big Creek, Jim Creek and north Fork Little Naches parcels are located along Manastash Ridge south of I-90. These creeks flow to the Yakima River. They have large areas of late-successional forest and spotted owl habitat and are crossed by trails. The Thetis Creek parcel lies farther to the north, in a narrow wildlife corridor between Lake Kachess and Keechelus, that has seen substantial recreational home development. Under Forest Service ownership, these lands will protect wildlife habitat and be available to the public for hiking, fishing, camping, and cross-country skiing.

**Pacific Crest Trail - \$3 million**

These funds would allow the Forest Service to acquire 1,288 acres of inholdings within the Wenatchee and Mt Baker-Snoqualmie National Forests, which are traversed by 2.5 miles of the Pacific Crest Trail. The landowner is a willing seller. This request for lands within



Washington State would be part of a larger acquisition package of over 2,200 acres across three states, which has long been a priority for the Forest Service.

The Pacific Crest National Trail (PCT) was one of the first of America's national scenic trails, spanning 2,650 miles from Mexico to Canada through three Western states. The portion in Washington varies from the banks of the Columbia River, to deep forests and high alpine meadows. Between Naches Pass and Snoqualmie Pass, the PCT passes in and out of privately held timberland in checkerboard pattern, resulting from the 1864 Northern Pacific Railroad land grant. Most of the intermingled lands along this section of the PCT have been acquired in recent years, leaving these last few parcels to complete the corridor through the Central Cascades. The acquisition of checkerboard inholdings allows consistent management of the forest along the length of the trail. This also links significant habitat and reduces land management complexities and costs.

Available for acquisition in FY 2011 are three parcels near Green Pass. Scenic views Mt Rainier, Alpine Lakes and deep valleys on both sides of the crest are available from this segment of the trail. The area also provides habitat for a variety of wildlife that inhabit the area, including spotted owl, elk, deer, cougar, and bobcat.

I want to thank the Chairman and the members of the subcommittee for this opportunity to provide testimony on behalf of these nationally important protection efforts in Washington State, and I appreciate your consideration of these funding requests.

Sincerely,



Gene Duvernoy  
President

Comments Submitted by:  
Raina Rippel, Executive Director  
Center for Coalfield Justice

Friday, March 19, 2010

House Committee on Appropriations  
Subcommittee on Interior Environment and Related Agencies

To all it may concern:

The budget committed by the Department of the Interior does not provide adequate funding for enforcement of Surface Mining Control and Reclamation Act (SMCRA). Given the amount of requested funding, there is no conceivable way that the Office of Surface Mining Reclamation and Enforcement (OSMRE) will be capable of providing the necessary oversight and program support to effectively enforce the law. It is imperative that Congress allocate additional funds to Interior's budget for 2011.

The 2011 budget request includes an \$11 million reduction in OSMRE Title V grants. These grants provide up to 50% of the funding for state regulatory programs. States are already struggling to satisfy their regulatory duties due to limited resources, and further reduction of funding will surely result in many states finding that they are no longer able to maintain their regulatory programs and adequately enforce the law.

The OSMRE is encouraging states to make up for the reduction in available Title V grant money by increasing their fee structures, effectively shifting the cost of regulation onto the coal industry. In principle our organization supports this effort to remove government subsidies from the fossil fuel industry and begin requiring industry to support the full cost of their operations. In practice, however, states will likely be unable to navigate the necessary political and regulatory processes to change their fee structures in time to make up for shortfalls in the federal 2011 budget.

Successful implementation of SMCRA simply requires funding in excess of the requested budget amounts. This is plainly evident when the following questions are considered:

- 1) Is the OSMRE adequately meeting its oversight and regulatory responsibilities given the current funding levels?
- 2) Are individual state programs adequately meeting their oversight and regulatory responsibilities given the current Title V allocation levels?
- 3) Are individual state programs likely to be able to make up for reductions in Title V grant funding by the time the 2011 budget is implemented?
- 4) If states are unable to satisfactorily regulate coal mining activities in accordance with SMCRA, is OSMRE prepared to accept regulatory responsibility of these state programs and does OSMRE has the resources to do so?

In the Commonwealth of Pennsylvania we would not only be challenged to make up for a federal funding shortfall, but will simultaneously be reacting to a state funding shortfall as well.

Pennsylvania's Bureau of Mining and Reclamation (BMR) relies on the state general fund to supply 50% of the program budget, and the remaining 50% is provided through OSMRE Title V grants. Our Mining Advisory Committee has been exploring the potential to implement increased fees and/or tax structures to eventually eliminate the BMR's dependence on the general fund to provide our 50% cost-match. Legislators have advised the committee to expect reductions and possibly the elimination of allocations from the general fund as early as our 2010 – 2011 budget cycle, effective July 1, 2010. Despite this eminent state short-fall, which has been openly addressed by the advisory committee for nearly two years, no action beyond discussion and debate has occurred. Changes to the Commonwealth's fee structure would require a rule-making by the Environmental Quality Board. Our Department of Environmental Protection estimates that a rule-making process would take a minimum of two years to complete.

The Pennsylvania case-study clearly demonstrates that in-state political processes are not likely to move quickly enough to maintain funding to regulatory programs given reductions in the federal grants as early as October 2010. Moreover, our Pennsylvania Bureau of Mining is already falling short of oversight and regulatory requirements and it is far from unique in this regard. Throughout Appalachia the regulatory failings of states including Pennsylvania, West Virginia, Virginia, and Kentucky have been clearly identified by citizens and environmental advocates, and these failings are increasing leading to citizen lawsuits and 733 petitions. These state regulatory programs are already short on the resources necessary to satisfactorily enforce SMCRA and are at risk of losing regulatory authority. If coal mining is to responsibly continue in the United States, further funding reductions simply cannot be afforded.

As previously stated, CCJ does support the administration's initiative to reduce subsidies to the fossil fuels industries, however Interior's proposed 2011 budget reduces our regulatory capacity without allowing adequate time for states to shift the monetary burden to the coal industry. The result will not just be a more independent coal industry, but a more reckless industry as regulation is dramatically reduced. Alternatively, we suggest that OSMRE allow the states a minimum of one year to prepare to support their regulatory programs with reduced Title V support. Without this minimum allowance, we will certainly see gross regulatory failures in the Commonwealth of Pennsylvania perhaps resulting in petitions for OSMRE to assume regulatory responsibility in the Commonwealth.

Thank you for your time and consideration.

Sincerely,

Raina Rippel  
Executive Director



Submitted by: Kathryn L. Kennedy, PhD., Executive Director , March 19,2010

The Honorable James Moran  
United States House of Representatives  
Washington, DC 20515

Prepared for: Subcommittee on Interior, Environment and Related Agencies

Addressing: Department of Interior Appropriations for Listing, Candidate Conservation, and Recovery Programs of the U.S. Fish and Wildlife Service; The Land and Water Conservation Fund; The Interagency Native Plant Materials Development Program; the Plant Conservation program in the Bureau of Land Management; the Endangered Species Program Funding in the Bureau of Land Management and the U.S. Forest Service; and the State Wildlife Grant Program.

Dear Mr. Chairman:

We generally support the section 300 budget request, but feel strongly additional funds are needed in critical areas. We request your attention to **allocate increased funding for the Land and Water Conservation Fund to put it on tract to reach full funding within 3 years.** We respectfully request increased appropriations **to a minimum of 100 million in funding for the U.S. Fish and Wildlife Service Recovery Program budget, including 5 million** to help address the imbalance in funding for recovery implementation for plants, **an additional 40 million dollars in the USFWS listing budget** to help clear the listing backlog of candidate species in the next few years, **and an additional 10 million dollars in the Candidate Conservation program** to help fund interim recovery work for those species awaiting listing. **We request an additional \$10 million dollars for the BLM Native Plant Materials Development Program and \$5 million dollars for the U.S. Forest Service Native Plant Materials Development Program.** In addition we request **\$5 million dollars in increased funding for the Endangered Species program in the Bureau of Land Management and in the U.S. Forest Service** to begin to address dramatically increasing plant conservation needs. We also appeal to the Subcommittee to **add the Endangered Species Act to the authorizing legislation in appropriations language for the State Wildlife Grant Program,** thus supplementing the current definition of wildlife (which excludes plants leaving out thousands of at risk species).

The Center for Plant Conservation (CPC) is a conservation organization whose mission is to conserve and restore the rare native plants of the United States to prevent their extinction. We are a coordinated, science-based network of 36 botanical institutions working for the recovery of our most imperiled native species on public and private lands

nationwide. Our network has a wealth of expertise and experience. We often work cooperatively with the Bureau of Land Management, U.S. Forest Service, Department of Defense, U.S. Department of Agriculture ARS, and National Park Service, and implement about \$10 million in plant recovery research and restoration annually.

In spite of our challenging economy, conserving and restoring these plant resources has never been more critical than now, as we try to prepare for the challenges quickly emerging from climate change. Work must increase now to show needed results in building the resilience we need to keep our landscapes productive, both on the landscape level through the Land and Water Conservation Fund, and through species recovery action. We rely on our public agencies as administrators of our public natural resource laws, and stewards of our public land plant trust resources. Public lands are instrumental in maintaining healthy environmental systems and serve as a primary source of the increasingly valuable natural resource our plant biodiversity represents for the nation.

#### **Land and Water Conservation Fund**

A critical strategy in meeting the challenges of climate change is to build resilience within our wild species populations and to ensure habitat connections to provide avenues for responses in species and community ranges over the landscape. The Land and Water Conservation Fund (Fund) is a critical resource for the nation to maintain habitat continuity and address fragmentation obstacles. **We request that the committee recommend an increased allocation for this year and a future funding plan to bring the Fund to full funding within three years.** It is critical for this funding to be available quickly, given the timeframe needed to complete transactions and implement landscape activities in time to be available as needed.

#### **U.S. Fish and Wildlife Service (USFWS) Endangered Species Program**

The U.S. Fish and Wildlife Service Endangered Species Program is seriously understaffed and underfunded, denying assistance to the nation's species that can least afford to wait. We request an increased appropriation of **40 million dollars in the USFWS listing budget** to help clear the listing backlog of candidate species in the next few years, **and an additional 10 million dollars in the Candidate Conservation program** to help fund interim recovery work for those species awaiting listing, some for nearly 20 years.

The backlog of work needed to properly respond to recovery needs for all federally listed species has been estimated to be well over \$300 million. The situation is especially precarious for our listed plant species. While 57% of the federally listed species under the Endangered Species Act (ESA) are plants, they historically receive only 3-5% of federal agency expenditures for listed species recovery. Our research has demonstrated that approximately 75% of our federally listed plant species have fewer than 100 individuals remaining in the majority of remaining sites, and are at a high risk of extinction within 20-25 years unless intervention is initiated quickly.

While the work of the Center for Plant Conservation and others render tremendously valuable public benefits in recovery efforts for our most imperiled plants, it is clear private efforts alone cannot accomplish the work needed. Federal partnerships and leadership are needed. More botanists and more dollars for recovery actions are needed.

Plant conservation work needed has become critical and cannot be totally deferred until more prosperous times. It is important to get started again now. These species are not only invaluable

for ecological reasons, supporting healthy air and water and mediating global climate change. Given the high natural resource value of our wild plants for emerging biotechnology and traditional economic benefits, these resources are vital to our economic future as well. We have also shown that 87% of federally listed plant species are very closely related to agronomically important species. They are the raw material for plant breeding in support of sustainable agriculture, and potential medically and economically significant products. This long-standing imbalance in recovery funding for plants risks the tragic loss of resources important to the future economic well-being of our nation.

An increase in the **USFWS Recovery Program Budget** is needed to begin to address the most critically imperiled plant and animal species. **We are requesting an appropriation of at least \$100 million for the USFWS Recovery Program Budget.** Further, we believe that within the recovery program **5 million in additional funding should be dedicated to priority listed plant species** for implementation of long neglected recovery activities. **At least \$2 million of this appropriation should be designated for recovery for Hawaiian plant species,** as Hawaii has long been known as our greatest and most imperiled national hotspot for plant biodiversity.

#### **The Interagency Native Plant Materials Development Program**

The CPC regards the interagency Native Plant Materials Development Program (NPMD) as one of the most significant public works projects of our times, and has been an active partner since its inception. Program success is contingent on consistent and increased funding. The NPMD program works through the BLM to collect, increase and distribute native plant seed to public and agency partners and private industry for increase and use in federal land restoration efforts. The BLM strategy works with a nationwide collaboration of partners to secure seed, and has engaged many organizations. Positive collaborative partnerships for public lands have been fostered nationwide, and partners have invested over \$5 million of non-federal match, making the program cost effective.

BLM developed a ten-year funding strategy, identifying a relatively modest \$120 million funding need for 2003 – 2012. In spite amazing progress and promise, the BLM's NPMD program remains chronically underfunded, just when it needs to accelerate to fill looming needs. Expanding the variety and quantity of native plant materials will be critical in a reasoned response to climate change, and will add to economic growth by creating new business opportunities for the private sector, reducing cost for federal land restoration, and improving availability for public and private uses. The next few years of funding is critical to realizing the potential benefits. **We request an appropriation of \$10 million dollars for the BLM Native Plant Materials Program appropriation.**

While smaller the US Forest Service (USFS) portion of the program has also made significant progress in developing new stocks for public forest and private benefit. The program is critical as climate change impacts are already well documented on our national forestlands, bring a variety of restoration challenges. **We request funding for the USFS Native Plant Materials Development program as well, in the amount of \$5 million.**

#### **BLM Plant Conservation Program needs**

Current energy plans will increase significant disturbance of large areas of BLM lands for energy development. Challenges to the integrity and productivity of BLM lands from invasive species and global climate change have also increased potential impacts to significant numbers of federally listed and BLM special status plant species.

The BLM is one of our largest federal landholders, and therefore one of our most significant agencies in conserving plant biodiversity. The CPC recognizes the leadership of the BLM in

establishing a Plant Conservation Program to take an integrated approach to these significant issues. **The program has proven extremely effective and is deserving of becoming established as a discrete subactivity.**

#### **BLM and USFS Endangered Species Program Funds.**

These agencies need increased Endangered Species funding to evaluate impacts, secure wild populations, and plan and implement restoration and management practices to preserve valuable plant biodiversity on the millions of acres of public lands they manage. Additional botanists are needed for BLM field offices, and for our National Forests, where staff shortages are at critical levels.

Funds are also needed to support planning and implementation of identified program needs for federally listed species, as these agencies' landholdings collectively present our most potentially cost effective opportunities for recovery of the nation's listed species. **We request an increase of \$5 million in BLM Endangered Species Program funds** (approximately 2 cents an acre) to help address these critical needs for plants, **and an additional \$5 million in USFS Endangered Species Program funds as well.**

#### **The State Wildlife Grant Program**

The State Wildlife Grant Program appropriation is a proactive program to address biodiversity needs at the state level while conservation actions are most cost effective, initiating needed action earlier to preclude the need to list new species under the Endangered Species Act. It is truly a landmark program, and we support full funding.

Unfortunately as currently structured the program is flawed. The current definition of wildlife included in the authorizing legislation in the appropriations language does not include plants, and current guidance does not allow State Wildlife Grant Program funds to be used for projects whose objective is recovery of declining plants. Consequently thousands of at risk plant species cannot directly benefit, and this situation has further aggravated the imbalance in plant conservation resources and activities at the state level, as noted in NatureServe's recent report *Hidden in Plain Sight*, [www.natureserve.org/publications/hidden\\_plain\\_sight.jsp](http://www.natureserve.org/publications/hidden_plain_sight.jsp)

This restriction can easily be addressed in a permissive, not dictatorial manner. We appeal to the Subcommittee to **add the Endangered Species Act (ESA) to the authorizing legislation in appropriations language for the State Wildlife Grant Program.** The ESA definition does include plants and would thus broaden the working definitions of wildlife for the program. This change would permit states whose plans identify priority plant conservation needs to use these funds for plant conservation work that can preclude the need to list.

Thank you for the opportunity to present testimony regarding the proposed Department of Interior and Related Agencies Appropriations. We hope you will be able to respond to these urgent needs for these valuable national resources.

Sincerely,  
Kathryn L. Kennedy  
President and Executive Director  
The Center for Plant Conservation

**Testimony of Stephanie Hymel, Stewardship Coordinator, Central Arkansas Water  
In Support of Forest Legacy Program funding  
For Maumelle Water Excellence Project, Arkansas  
U.S. Forest Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Maumelle Water Excellence project in Arkansas. An appropriation of \$4 million from the USDA's Forest Legacy Program is needed in order to protect a 594-acre property. I am thankful that this project was included in the President's Budget request for FY 2011 at a funding level of \$2.5 million. However, the project can be completed in FY 2011 with an appropriation of \$4 million.

In 2004, the state of Arkansas enrolled in the Forest Legacy Program to help address forest fragmentation resulting from increased development pressure and an increased demand for outdoor public recreation. For the second year in a row, the Arkansas Forestry Commission, the lead implementing agency for the Forest Legacy Program in Arkansas, has made the Maumelle Water Excellence project the State's top-ranked Forest Legacy project.

The Maumelle Water Excellence (MWE) project proposes to conserve over 900 acres of pristine forested land along 3.6 miles of the Big Maumelle River through fee title acquisition. The MWE project would create an invaluable link between existing public lands and would form a protected riparian corridor leading to Lake Maumelle, the primary drinking water supply for approximately 400,000 Central Arkansas residents. Successfully completing the project will help preserve forests and sensitive habitat that serve a vital role in providing a high quality drinking water supply for the region.

The project is part of a 915-acre sod farm previously owned by a private investment group, of which 594 acres are forested and eligible for Forest Legacy funding. The non-forested portion of the sod farm will be purchased with non-federal money, where water quality conservation measures will be implemented, and forests and native grasses will be planted. Non-federal funding would also be used to establish the Watershed Center of Excellence, a partnership of the University of Arkansas at Little Rock and local, state, and federal agencies tasked to educate the public on watershed management, water quality conservation techniques, and beneficial stream reconstruction.

The property consists of bottomland hardwoods and cypress breaks, which are rare for the Ouachita Mountains Ecoregion. These forests provide habitat for the federally listed endangered *harperella* plant, multiple species of migratory waterfowl, many small and large game species, and the Prothonotary Warbler, which is listed in the Arkansas Wildlife Action



Plan as a species of great conservation need. The MWE project offers tremendous recreational opportunities for the region. The project will, for example, create new opportunities for hiking, fishing, and hunting. Protection of this project area will open more hunting grounds for Little Rock area residents and offer targeted hunter education to area youth.

The MWE project also provides a significant national benefit by protecting several miles of the Ouachita National Recreation Trail (ONRT) viewshed. ONRT is a scenic trail formally designated by the Secretary of Agriculture under the National Trail System Act of 1968. ONRT is 224 miles long stretching from eastern Oklahoma across 192 miles of the Ouachita National Forest and 32 miles of private/other public lands to Central Arkansas ending at Pinnacle Mountain State Park. The ONRT runs immediately adjacent to 2.2 miles of the MWE's southern boundary and continues onto property Central Arkansas Water already owns.

The State of Arkansas, Central Arkansas Water (CAW), and Arkansas Game & Fish Commission have pledged considerable funds to protect the lands along the Big Maumelle River. This impressive collaboration, which has allocated more than \$8 million in non-federal funding to protect this property, offers tremendous value and a remarkable opportunity to help preserve an important landscape in Arkansas.

The most significant threats to the water quality of Lake Maumelle are development and deforestation. Located just 15 miles west of Little Rock, the state's capitol, this property is at the edge of development in the metro area. Given the popularity of Lake Maumelle, housing density within its watershed is expected to increase between five to twenty percent in the next twenty years. The MWE project offers to protect important endangered species habitat, preserve and restore working forests, boost outdoor recreational opportunities, and safeguard a critical water supply - all within 14 miles of the state capital.

The property is available now for permanent protection. An appropriation of \$4 million from the Forest Legacy Program in FY 2011 would be matched by more than \$8 million in state and other public funds to allow the conservation of this critical natural resource property and ensure safe drinking water for area residents.

I urge you to do all you can to ensure that this worthwhile program is funded adequately in FY 2011 and that the Maumelle Water Excellence project receives \$4 million in FY 2011.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Arkansas, and I appreciate your consideration of this funding request.



**CHILDREN'S ENVIRONMENTAL HEALTH NETWORK**  
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**Statement submitted by Cynthia Bearer, M.D., Ph.D., FAAP**  
**CEHN Board Chair**  
**Interior, Environment & Related Agencies Subcommittee, Committee on Appropriations**  
**Appropriations for Fiscal Year 2011**  
**March 19, 2010**

Thank you for the opportunity to submit testimony on the FY 2011 appropriations to the U.S. EPA. The Network urges the Committee to support the EPA's Office of Children's Health Protection, the Children's Environmental Health Research Centers of Excellence, the Office of Research & Development, EPA's school environmental health programs, the Pediatric Environmental Health Specialty Units, and the National Children's Study. We urge full funding of all activities that advance healthy school and child care environments for all children, such as the relevant components of the Healthy Communities initiative, including but not limited to the Clean, Green and Healthy Schools Initiative. We urge the Committee to support chemical policy reform by providing adequate resources for EPA oversight and regulation of these chemicals

In brief, the Network appreciates the wide range of priorities that you must consider for funding at the EPA. We urge you to give priority to those EPA programs that directly protect and promote children's health. In so doing, you will protect all populations as well as our environment.

I am a pediatric neonatologist and I currently serve as the Mary Gray Cobey Professor and Division Chief of Neonatology at the University of Maryland. I am submitting this statement as Chair of the Board of the Children's Environmental Health Network. The Network is a national organization whose mission is to promote a healthy environment and to protect the fetus and the child from environmental health hazards. The Network was created to promote the incorporation of basic facts of pediatric environmental health into policy and practice. In general, children have unique vulnerabilities and susceptibilities to toxic chemicals. In some cases, an exposure which may cause little or no harm to an adult may lead to irreparable damage to a child.

The world in which today's children live has changed tremendously from that of previous generations, including a phenomenal increase in the substances to which children are exposed. Every day, children are exposed to a mix of chemicals, most of them untested for their effects on developing systems. Many of these chemicals are readily passed across the placenta to the fetus, to the infant via breast milk or through skin, or via food, toys and other children's products. Many of these chemicals are also ingested in food and water or through the lungs.

In addition to providing the necessary resources for the Federal programs and activities that help to protect children from environmental hazards, CEHN urges the Committee to also direct the Agency to assure that **all** of its activities and programs -- including regulations, guidelines, assessments and research -- specifically consider children. Our traditional approaches have been to use a one-size-fits-all template, and that template is usually the healthy adult male. The Agency's work must always assure that children and other vulnerable subpopulations are protected, especially poor children, minority children, farmworker children, and others at risk.

We ask the Committee to direct the Agency to report on their activities to protect children from environmental hazards in child care settings as well as to assess the Agency's needs for assuring that children in these settings are protected from such hazards.

#### **The Office of Children's Health Protection (OCHP)**

Since 1997, EPA's efforts to protect children from environmental hazards have been led by the OCHP, which was highly effective and well-regarded. However, funding for OCHP has been level, at approximately \$6 million since its creation, and its resources were further diluted by the addition of new and unrelated missions, without any concurrent increase in resources.

The Network strongly supports additional resources dedicated to children's health for the office, and to restore the office's strong focus on children. We are especially supportive of the Clean, Green, and Healthy schools initiative, especially the interagency effort to integrate existing school programs including asthma, IAQ, chemical cleanout, green practices and enhanced use of integrated pest management. We urge the Committee to provide funds above the proposed \$6.3 million to OCHP for this initiative. The program addressing the issue of PCB-laden caulk in schools is also a priority.

#### **Children's Environmental Health Research Centers of Excellence**

The Children's Environmental Health Research Centers, jointly funded by the U.S. EPA and the National Institute of Environmental Health Sciences, play a key role in providing the scientific basis for protecting children from environmental hazards. With their modest budgets (unchanged over more than 10 years), these centers generate valuable research. A unique aspect of these Centers is the requirement that each Center actively involves its local community in a collaborative partnership, leading both to community-based participatory research projects and to the translation of research findings into child-protective programs and policies. Researchers have chosen to participate in this funding mechanism because of the ability to do interdisciplinary research, to break ground in a relatively new field and to be involved in the community -- all things that are not easy to do using other grant mechanisms. The scientific output of these centers has been outstanding.

The Committee recognized this last year, when it supported increased funding, resulting in the upcoming addition of a child care component and additional research. These goals call for a continued effort, yet the Administration's FY11 budget proposal did not continue this funding. We strongly urge that the Committee reinstate these funds and direct EPA to sustain this effort.

### **School and Child Care Environmental Health: connected to Healthy Communities**

Millions of preschoolers enter care as early as six weeks of age and can be in care for more than 40 hours per week. Yet little is known about the environmental health status of our child care centers nor how to assure that they are protecting this important group of children. Environmental health is rarely if ever considered in licensing centers or training child care professionals.

Each school day, about 54 million children and nearly 7 million adults —20% of the total U.S. population—spend a full week inside schools. Unfortunately, many of the nation's 121,000 public and private K-12 school facilities are shoddy or even “sick” buildings whose environmental conditions harm children's health and undermine attendance, achievement, and productivity.

No agency is authorized to intervene to protect children from environmental hazards in schools. The Occupational Safety & Health Administration does not protect schoolchildren. Thus, every day we require our children to spend hours in an environment where they and their parents have no options, alternatives or recourse if the environment is not healthy.

Thus, the Network urges full funding for the proposed Clean, Green and Healthy Schools Initiative in the EPA's FY 2011 budget. Under this initiative, EPA will co-lead an interagency effort in integrating existing school programs including asthma, indoor air quality, and enhanced use of integrated pest management. We urge the Committee to provide additional resources and direction to assure that the child care environment is also included in this initiative.

The Network also supports other aspects of the Healthy Communities initiative, particularly:

- an additional \$1.1m for the Indoor Air Program for efforts to improve children's health;
- increased funding for the Pesticides program to expand its work with schools
- increased funding to address air toxics pollution focused on children's environments, including \$2.3 m for community pilot programs

The Network urges the Committee to continue its support for EPA's existing healthy schools activities, such as the Indoor Air Quality Tools for Schools program.

We also urge the Committee to appropriate the \$10 million authorized for EPA under the healthy schools provisions of the High Performance Green Buildings Act. This statute authorizes EPA to create Federal guidelines on school siting and (advised by CDC) school environmental health programs. This statute also authorizes an important study of the impacts of green schools on the health of children and communities.

### **EPA Office of Research & Development**

The Clean, Green, and Healthy schools initiative is envisioned as an interagency as well as intra-agency effort, yet resources were not proposed for ORD involvement. We urge the Committee to strengthen Clean, Green, and Healthy schools by providing additional resources of \$1.5 to \$2 million to ORD so that the office can fund additional research to fulfill its role in this initiative.

The Network urges funding for research to better understand how the school and child care environment (both physical factors and potential exposures) impacts the performance of children.

#### **National Children's Study (NCS)**

The National Children's Study is examining the effects of environmental influences on the health and development of more than 100,000 children across the United States, following them from before birth until age 21. This landmark longitudinal cohort study -- involving a consortium of agencies including the EPA -- will be one of the richest research efforts ever geared toward studying children's health and development and will form the basis of child health guidance, interventions, and policy for generations to come.

This study may be the only means that we will have to find answers to some key questions regarding links between exposures and health effects on children.

A study of this scope is calls for the participation of multiple agencies. EPA's involvement has been limited by the lack of dedicated resources. We urge the Committee to provide dedicated funds of \$1 M or more in FY 11 to ensure that EPA has sustained funding for the necessary infrastructure for data access and the ability to collaborate with its partners on the NCS. EPA has specific expertise to offer and the NCS will benefit if the Agency has the ability to contribute.

#### **Pediatric Environmental Health Specialty Units (PEHSUs)**

Funded by the U.S. EPA and the Agency for Toxic Substances and Disease Registry, the Pediatric Environmental Health Specialty Units (PEHSUs) form a valuable resource network, with a center in each of the U.S. Federal regions. PEHSU professionals provide medical consultation to health care professionals on a wide range of environmental health issues, from individual cases of exposure to advice regarding large-scale community issues. PEHSUs also provide information and resources to school, child care, health and medical, and community groups to help increase the public's understanding of children's environmental health. PEHSUs assist policymakers by providing data and background on local or regional environmental health issues and implications for specific populations or areas. These centers, all based in universities, have done tremendous work, covering large geographic areas, on very limited budgets. We urge the Committee to fully fund EPA's portion of this program's FY 2011 budget of \$1.8 million.

In conclusion, investments in programs that protect and promote children's health will be repaid by healthier children with brighter futures, an outcome we can all support. That is why the Network asks you to give priority to these programs.

Thank you for the opportunity to comment on these critical issues.

**Testimony of Douglas J. Kurtzweil, Chair  
Chippewa Flowage Area Property Owners Association  
In Support of Forest Legacy Program funding  
For Chippewa Flowage Project, Wisconsin  
U.S. Forest Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

The Chippewa Flowage Area Property Owners Association (CFAPOA) was incorporated in early 1983 by a small group of citizens who had grown increasingly concerned about proposed alterations in the way that the lands and waters of Wisconsin's largest semi-wilderness area would be managed. The Articles of Incorporation propose "to promote...and protect." The Bylaws Preamble identifies major goals as being "to keep the Chippewa Flowage area clean and safe for all peoples; to protect the environment;...to pursue...objectives that...benefit this...reservoir." While the name is still 'Property Owners', membership is open to anyone who resides within 2 miles of the Flowage for 30 days anytime during the year. The CFAPOA has engaged in a number of efforts pursuant to its stated mission. Habitat improvement, community cleanups, water quality monitoring, invasive species research and control, and the \$1.1 million Chippewa Islands Project are just some of the accomplishments achieved in the past few years. The multi-jurisdictional co-operation of the US Forest Service, the Lac Courte Oreilles Ojibwe, the Wisconsin Department of Natural Resources, and the local citizens have provided a model in partnership that has been acclaimed by prestigious institutions. (JAMP-Harvard)

I appreciate the opportunity to present this testimony in support of the Chippewa Flowage project in Wisconsin. I am advised that an appropriation of \$4.5 million from the Forest Legacy Program is needed in order to complete the protection of this 18,259-acre forestland property. I am thankful that the project was included in the President's Budget request for FY 2011 at a funding level of \$2.5 million. That is so greatly appreciated. But, I am told the project can be completed this year with an appropriation of \$4.5 million.

The diversity of wood/species types within Wisconsin's northern forest is rarely matched anywhere in the United States. The Northwoods remains blessed with stands of aspen, balsam, spruce, and a variety of pine, hardwoods such as red oak, maples, hemlock, and birch, and swamp forests containing black spruce, tamarack, black ash, and white cedar. The combination of forestland with an abundance of lakes, rivers, and streams offers some of the best recreational opportunities in the country, especially fishing and canoeing. Recognizing the unique attributes of its forests, the State of Wisconsin is focused on forest protection and easement acquisitions that benefit recreational and natural resources. The great attraction of easements is that several times as much acreage can be effectively protected for the same amount of money. The

Wisconsin Department of Natural Resources (DNR) has proposed Forest Legacy Program projects over the last several years to implement this critical protection effort.

I believe that in FY 2010, Congress appropriated \$1.5 million to the Forest Legacy Program and the State of Wisconsin committed \$2.5 million in matching funds toward the protection of this over 18,000 acres of outstanding conservation easement lands. An additional \$4.5 million from the Forest Legacy Program is needed in FY 2011 to finish the project. The easement is an important opportunity to create a unified block of over one million acres of protected forest and natural lands in the Chippewa Flowage watershed, which is an ecological gem. The Chippewa Flowage is one of the wildest lakes in Wisconsin, drawing recreationists from around the world for its fishing. Over 30,000 acres within the flowage area are managed jointly by the Wisconsin Department of Natural Resources, the U.S. Forest Service, and the Lac Courte Oreilles Band of Lake Superior Chippewa (LCO). The western boundary of the easement property adjoins nearly 24,000 acres of primarily natural LCO tribal land. The property extends the critical migratory corridor surrounding the Chequamegon portion of the Chequamegon-Nicolet National Forest, which covers 858,400 acres in six northwestern Wisconsin counties.

Many natural resources used by the Lac Courte Oreilles band traditionally, and currently, are found on the property and adjoining tribal lands, including birch and pole oak for wigwam poles, morel mushrooms, and abundant wildlife for trapping and hunting. Pipestone rock, used to craft peace pipes, holds traditional significance for the LCO band and is present in the northwest corner of the property. Benefits for surrounding communities include water supply and watershed protection. The Village of Radisson's municipal water flows from parts of this property. The federally listed endangered Gray Wolf is known to frequent the property, which also contains State Species of Concern, State Threatened and State Endangered species.

The Chippewa Flowage is a major tourist destination, helping to generate \$8 million annually in Wisconsin from fishing, hunting and wildlife viewing. The Chippewa Flowage is considered a world-class fishery for muskellunge and walleye. Public access on this property will continue to support the local economy. Forest-based recreation accounts for about \$5.5 billion of the \$14 billion spent on recreation in the state. The Wisconsin Northwoods is also a common destination for migratory and forest interior birdwatchers. Wisconsin ranks third in the nation for bird watching, which adds \$1 billion annually to the state's economy. This property delivers wood to 66 different customers; products include coated paper, corrugated packaging, cabinets, lumber, moldings, paneling, and more. If this property is not protected by a Forest Legacy easement, it will be divided and sold like other nearby timberlands, thereby eliminating one of the sources of fiber that makes jobs in the mills in Radisson, Birchwood, Hayward, and Drummond, viable.

The property will also offer unique values for addressing climate change, as it holds important forestlands and wetlands containing large carbon stores that will help mitigate climate change. Carbon sequestration on the lands will be further enhanced by the sustainable forestry guidelines of the Forest Legacy easement. The project lands also offer significant benefits for climate adaptation: public-private partnership efforts are underway in the region to protect key habitat refugia and habitat connectivity in response to anticipated climate shifts. The project lands will be essential to maintain connectivity among the large, conserved habitat blocks in the

region. The property also extends and protects a critical migratory corridor surrounding the national forest, which will help wildlife important to the state's economy adapt to a changing climate.

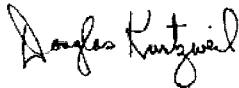
Supporting parties include Chippewa Flowage Area Property Owners Association, Couderay Waters Regional Land Trust, Gathering Waters Conservancy, Lac Courte Oreilles Tribal Governing Board, Ruffed Grouse Society, Sawyer County Board of Supervisors, Town of Hunter, Town of Ojibwa, Chequamegon-Nicolet National Forest, Wisconsin Conservation Congress, Wisconsin Representative Gary E. Sherman, and Wisconsin State Senator Bob Jauch.

The protection of these forestlands will have significant local and regional benefits. An appropriation of \$4.5 million in FY 2011 from the Forest Legacy Program will complete the effort to conserve 18,259 acres of high quality Wisconsin forest. Protecting this large block of land within the checkerboard of public and private ownership is an exciting opportunity to create a unified area of a million protected acres that can support the local economy by preserving vast wildlife habitat, helping climate mitigation and adaptation, ensuring public access for recreation, and maintaining sustainable forestry practices, while at the same time protecting the watershed and semi-wilderness esthetic in the historically and culturally significant southeastern quadrant of Wisconsin's 3rd largest inland water resource.

I ask you to do all you can to ensure that this worthwhile program is funded adequately in FY 2011 and that the Chippewa Flowage project receives \$4.5 million in FY 2011.

I want to thank the Chairman and all the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Wisconsin, and I truly do appreciate your consideration of this funding request.

Sincerely,



Douglas Kurtzweil, Chair  
Chippewa Flowage Area Property Owners Association  
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## Citizens Coal Council - Working Together for Justice in the Coalfields

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March 19, 2010

House Committee on Appropriations  
Subcommittee on Interior, Environment  
and Related Agencies

RE: COMMENTS ON THE OSMRE FY2011 BUDGET REQUEST (March 10<sup>th</sup> hearing with OSMRE Director Joseph Pizarchik)

Dear Chairman Moran and Subcommittee Members:

I am submitting this public testimony on behalf of Citizens Coal Council (CCC), its member groups and thousands of citizens residing in the 26 coalfield states.

Even though advocacy efforts to pass the *Surface Mining Control and Reclamation Act* (SMCRA) in 1977 were a major success, CCC was formed in 1989 by groups from Kentucky, Illinois, Tennessee, Pennsylvania, Virginia, the Rocky Mountain Region because it was apparent that the Federal and state governments were not rigorously enforcing the permitting, mining, and reclamation provisions of the legislation and this problem continues even to this day.

It is our position that the lack of enforcement and oversight at both the state and federal level will only be exacerbated if the OSMRE budget is not increased to cover both the \$11M shortfall of regulatory funding to the states for oversight and enforcement and to the OSMRE to increase the capacity for proper and effective state enforcement and oversight.

In the Summary of Comments on Oversight Improvement Action prepared by the OSMRE, state regulatory agencies commented that "The oversight improvement initiative appears to be based on a false assumption that states are not adequately regulating the coal mining industry nationwide. Nothing could be further from the truth". Based on the first hand experience of directly impacted coalfield citizens, the states are not adequately regulating the coal mining industry and have not been since SMCRA was written into law, despite what the OSM annual report states.

Lack of enforcement and oversight is not just an Appalachian issue brought on by Mountaintop removal mining. From the strip mines in Powder River Basin to the longwall mines in the Midwest and Eastern U.S., the states with primacy are not consistently enforcing the laws written to protect the citizens and environment. There are massive longwall mines in 12 of the 26 coalfield states. Subsidence caused by longwall mining adversely affects aquatic systems by creating isolated stream segments, disappearing stream segments, drying streams, and creating stream impoundments. CCC members have experienced farm ponds drying up, reduced spring water flows, and impacts to ground water wells that negatively impact their livelihoods. One mining company's studies report that about 60% of all springs, ponds and wells are permanently dewatered or degraded by Pennsylvania longwall mining. In Illinois, the agricultural industry -primary contributor to the breadbasket of the country- is being hit hard by flooding

as the land turns into a veritable bathtub because of subsidence, collecting water in its valleys and converting prime farmland into a useless, soggy mess where only cattails can grow.

Now is not the time to cut the budget to the OSMRE. With more coal mining permits being issued the assault on people and communities are mounting. Although we adamantly agree that the coal industry should bear the burden for enforcement and oversight, the states need adequate time to pass the costs onto the coal industry and establish some type of fee schedule. Reducing state funding now for enforcement and oversight could only cause additional irreversible environmental damage and hardship to coalfield communities.

Respectfully submitted,

Aimee Erickson  
Council Coordinator

## CIVIL WAR PRESERVATION TRUST

*Saving America's Civil War Battlefields*

**John L. Nau, III**  
Chairman

**James Lighthizer**  
President

### Testimony of O. James Lighthizer, President Civil War Preservation Trust

**Before the Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
United States House of Representatives  
March 26, 2010**

#### Introduction

Mr. Chairman and members of the subcommittee, thank you for the opportunity to speak to you today. My name is James Lighthizer, and I am the President of the Civil War Preservation Trust (CWPT). I come before you today to respectfully request that the House Appropriations Subcommittee for Interior, Environment, and Related Agencies fully fund the Civil War Battlefield Preservation Program (CWBPP), financed through the Land and Water Conservation Fund in the Department of Interior, at its authorized amount of \$10 million.

I would like to start by providing a little information about our organization. CWPT is a 55,000-member nonprofit organization — the only national one of its kind — dedicated to preserving America's remaining Civil War battlefields. To date, CWPT has permanently protected more than 29,000 acres of hallowed ground in 20 states, most of it outside National Park Service (NPS) boundaries.

I am here today to discuss with you the small but highly effective federal land conservation program that has made much of our success possible: the Civil War Battlefield Preservation Program (CWBPP). This matching grants program encourages cooperative partnerships between state and local governments and the private sector to preserve targeted, high priority Civil War battlegrounds. Since it was first funded in Fiscal Year (FY) 1999, the program has been used to protect more than 15,500 acres of hallowed ground nationwide.

Time is running out for our remaining Civil War Battlefields. We estimate that even in this depressed economy, 30 acres of battlefield land are lost every day. If we are to save these sites so that future generations may visit them and learn from them, the time to act is now. We estimate that in the next five to ten years the fate of many of these battlefields will be determined.

#### Origins of the Program

In 1990, Congress created the Civil War Sites Advisory Commission (CWSAC), a blue-ribbon panel composed of lawmakers, historians and preservationists. Its goal: determine how to protect America's remaining Civil War battlefields. In 1993, the Commission released a study entitled "Report on the Nation's Civil War Battlefields." The report identified the 384 most historically important Civil War battlegrounds and further prioritized them according to

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preservation status and historic significance. Sixteen years later, this landmark report and a recent update conducted by NPS remain our guide for determining which battlefields should be preserved.

In addition to creating a prioritized list of battlefield preservation targets, the Commission also recommended that Congress establish an “emergency” \$10 million-a-year federal matching grant program for acquisition of battlefield land outside NPS boundaries. The intent of the matching grants formula was to encourage private sector and state and local government involvement in battlefield acquisition. The Commission’s proposal for an emergency federal matching grant program was the genesis of the Civil War Battlefield Preservation Program.

### **Congressional Funding and First Successes**

Five years after the “Report on the Nation’s Civil War Battlefields” was released, Congress acted upon the Commission’s recommendation by setting aside \$8 million from the Land and Water Conservation Fund for Civil War preservation matching grants. This first appropriation for the program was made available over three years, and required a two-to-one non-federal/federal match. Grants were competitively awarded through the American Battlefield Protection Program (ABPP), an arm of NPS. Funding was solely for acquisition of properties outside NPS boundaries at battlefields identified in the 1993 report. Land could be purchased from willing sellers only; there was — and there remains — no eminent domain authority.

Thanks to the new program, there began an unprecedented and almost-immediate surge in Civil War battlefield preservation. The \$8 million appropriation generated \$24 million for land acquisition by encouraging state and private investment in battlefield land protection. The program inspired the Virginia and Mississippi legislatures to appropriate \$3.4 million and \$2.8 million, respectively, to meet the federal match. The Civil War Preservation Trust alone contributed \$4 million in private sector funds to meet the match.

As a result of the non-federal funds generated by the program, battlefields like Virginia’s Brandy Station and Manassas received a new lease on life. In addition, other sites such as Prairie Grove in Arkansas, Champion Hill in Mississippi, and Bentonville in North Carolina — just to name a few — were substantially enhanced. Largely because of the success of those first three years, Congress appropriated an additional \$11 million for the program in FY2002, this time with a more attractive 1-to-1 non-federal/federal match requirement.

### **Authorization of the Program**

After approval of the FY2002 appropriation, authorization of the Civil War Battlefield Preservation Program seemed the next logical step. Supporters on Capitol Hill felt that authorization of the program would convey to the Department of the Interior Congressional intent regarding the program’s goals and objectives. Further, authorization would provide funding predictability for the program’s non-federal partners, encouraging them to continue their involvement in battlefield preservation.

The authorization bill, entitled the Civil War Battlefield Preservation Act of 2002, was introduced in the House and Senate in the summer of 2002. The bipartisan bill formally tied the program to the 1993 CWSAC report, creating a federal conservation program with a highly focused, prioritized list of acquisition targets. It also provided for an annual appropriation of up to \$10 million per year — the level originally recommended by the Commission in 1993. The

Civil War Battlefield Preservation Act was passed with the unanimous consent of both the House and Senate in the fall of 2002, and was signed into law on December 17, 2002 (P.L. 107-359).

#### **Additional Successes and Reauthorization Legislation**

Since the program was first funded in FY1999, Civil War Battlefield Preservation Program grants have been used to protect 15,500 acres of hallowed ground in 14 states. Among the many battlefields that have benefited from this program are: Antietam, Maryland; Aversboro, North Carolina; Chancellorsville, Virginia; Chattanooga, Tennessee; Corinth, Mississippi; Harpers Ferry, West Virginia; and Perryville, Kentucky.

One of the program's most notable successes occurred in 2006, when the Department of the Interior awarded a \$2 million grant to help save the Slaughter Pen Farm on the Fredericksburg Battlefield in Virginia. This property, soaked with the blood of 5,000 men in blue and gray, was nearly lost to industrial development. Five Medals of Honor were earned by Union soldiers for heroism on that field.

The Civil War Battlefield Preservation Program was reauthorized in March 2009 as part of the Omnibus Public Land Management Act of 2009 (H.R. 146). Prior to being folded into the Omnibus Public Land Act, the House twice approved stand alone legislation reauthorizing the popular program with bipartisan overwhelming majorities. The program was reauthorized when President Obama signed the Omnibus Public Land Management Act into law on March 30, 2009 (P.L. 111-11).

#### **FY2010 and FY2011 Appropriations Request**

We would like to thank the House Appropriations Subcommittee on Interior, Environment, and Related Agencies for providing \$9 million for the Civil War Battlefield Preservation Program in FY2010. This appropriation has allowed for the preservation of many historically significant lands at battlefields such as: Bentonville, North Carolina; Champion Hill, Mississippi; Davis Bridge, Tennessee; Perryville, Kentucky; Resaca, Georgia; and the Wilderness, Virginia. The American Battlefield Protection Program (ABPP), which administers the grant program, received the Treasury warrant on February 12, 2010, allowing the agency to begin obligating its FY2010 allocation a little over a month ago. The agency has already completed an apportionment memo to obligate \$1.7 million and more apportionment memos are sure to follow in the coming months as pending applications quickly consume the entire \$9 million appropriation. CWPT and our nonprofit partners are certain the entire \$9 million allocation will be obligated by the end of this fiscal year. Since the entire FY2010 allocation will be consumed by current deals, in order for the program to continue it will need additional funding in FY2011.

We respectfully ask the House Appropriations Subcommittee on Interior, Environment, and Related Agencies to fully fund the Civil War Battlefield Preservation Program at its authorized amount of \$10 million. Please note that a letter signed by 26 Members of Congress was delivered to both the subcommittee and full committee earlier this month. The Member letter requested that the program be fully funded at its authorized amount of \$10 million in FY2011. In addition, seven members of the House Appropriations Committee sent a letter to President Obama in November 2009 requesting full funding of the program in FY2011. President Obama included a \$6 million request for the program as part of his FY2011 budget.

We recognize that these are difficult economic times and appreciate the constraints on this Subcommittee as you work to draft an appropriation bill that meets the needs of the agencies and programs under your jurisdiction. However, we believe that now is the opportune time to provide full funding for the Civil War Battlefield Preservation Program, especially with the Civil War sesquicentennial commemorations beginning next year. Funding at this level will allow for the continued success of the program and the preservation of key battlefield lands that will serve as lasting, tangible legacies for the sesquicentennial. In addition, with time rapidly running out to forever protect these hallowed grounds, funding for this program will soon no longer be necessary. We estimate that in the next five to ten years the remaining Civil War battlefield lands will be either paved over or protected. That is why we must act now in order to preserve as much key battlefield land as possible before time runs out.

### **Conclusion**

Mr. Chairman, there is no question that the Civil War was a defining moment in our country's history. For four long years, North and South clashed in hundreds of battles that reunited our nation and sounded the death knell for slavery. More than 625,000 soldiers and 50,000 civilians perished as a result of the war.

Preserved battlefields not only honor the memory of our Civil War ancestors, but all of our nation's brave men and women in uniform. Further, preserved battlefields serve as outdoor classrooms to teach new generations of Americans about the significance of the Civil War — and remind them that the freedoms we enjoy today came at a terrific price.

Mr. Chairman, I sincerely hope you and your subcommittee will consider our request to provide full funding of the Civil War Battlefield Preservation Program at its authorized level of \$10 million. As noted, this is especially important as the nation begins to prepare for the upcoming sesquicentennial commemoration of the Civil War, beginning in 2011. The commemoration is expected to stimulate renewed interest in the conflict and generate unprecedented visitation to preserved Civil War battlegrounds. The preserved battlefield lands will create a legacy that long outlasts the sesquicentennial anniversary. We look forward to working with you and other subcommittee members on battlefield protection and other historic preservation issues. Thank you for the opportunity to address the committee.

**Testimony Of  
TIMOTHY S. DAVIS  
PRESIDENT AND CEO  
CLOSE UP FOUNDATION  
Before the  
HOUSE APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND  
REALTED AGENCIES**

**March 18, 2010**

Mr. Chairman, my name is Timothy S. Davis, President and CEO of the Close Up Foundation. I submit this testimony in support of Interior Appropriations bill language providing for grants to the Close Up Foundation of \$1.2 million from the Office of Insular Affairs Technical Assistance Fund and \$500,000 from the Bureau of Indian Education to support student and teacher participation in Close Up Washington civic education programs.

Close Up Foundation is a nonprofit, nonpartisan civic education organization dedicated to educating and inspiring young people to become active citizens in our democracy. We have been conducting week-long experiential Washington based civic education programs for almost forty years. Our student participants are a diverse group, coming from every state and beyond and from all walks of life. Close Up reaches out to schools in underserved communities to provide them with transformative learning experiences on our Washington programs. Our goal is to provide these programs to all students regardless of their economic circumstances.

The Close Up Insular Areas Program is funded by the grant from the Office of Insular Affairs Technical Assistance Fund. Close Up has received a grant each year since FY88 and received \$1 million in FY10. The grant allows students and educators from American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and the United States Virgin Islands to participate on Close Up's Washington civic education programs. Additionally, the program provides funds for Close Up staff to travel to these communities to conduct workshops and to fund local civic education programs and provide educational materials.

For over two decades, the Close Up Foundation has worked with the Department of Interior – Office of Insular Affairs to address the civic education needs of insular area communities. Close Up is proud of the work that has been accomplished in the Pacific and the U.S. Virgin Islands where the name “Close Up” is synonymous with civic education and government studies.

The goals of the Close Up's Insular Areas Program for students and teachers are to:

- demonstrate how the United States' model of democracy functions and to foster the interest, knowledge, and skills needed to effectively participate in a democracy;
- address the academic needs of the insular areas and to provide training and materials to improve teacher civic education skills; and
- increase mutual understanding between the United States' diverse citizenry with a special emphasis on public policy concerns and culture.

Close Up Foundation plans to submit a proposal to the Office of Insular Affairs for a grant of \$1.2 million as we seek to increase participation in the program and offset rapidly rising costs, especially in airfare, accommodations and food.

Close Up is very proud of our long-standing involvement with the Insular Areas and the impact that our two decades of work has made on the civic life of these communities. Close Up is grateful to Congress for its continued support of these programs and look forward to continuing this program into the future.

Close Up also seeks language that would provide a grant from the Bureau of Indian Education to provide for the participation of Native American students and educators on Close Up Washington civic education programs.

Close Up reaches out to schools with significant Native American, Alaskan Native and Native Hawaiian student populations to participate on our programs. In addition to serving Native students on our Washington High School and Middle School programs, we conduct two special curriculum programs each year with our partner organizations, the National Indian Education Association and the United South and Eastern Tribes. These programs are held in conjunction with the annual Washington legislative conferences of those groups. The Close Up Native American programs focus on tribal sovereignty and dual citizenship issues and the students develop a tribal community action plan during their Close Up week. The community action projects are presented by the students to their educators and tribal leaders providing for valuable mentoring opportunities for the students as they implement their projects in their communities.

The Close Up programs provide Native students with a greater understanding of their history and culture and of the relationship between their tribal governments and the U.S. Government. They return home inspired to become leaders in their community in addressing the critical issues facing Native American young people.

The obstacle to increased participation of Native students and their teachers on Close Up Washington civic education program is economic. While most Close Up schools participate on our programs with some degree of local fundraising, most Native communities simply do not have financial infrastructure to support participation on Close Up.



Close Up seeks to dramatically increase participation of Native American on our programs and seeks language that would provide a grant from the Bureau of Indian Education for this purpose. In FY88-FY96, Interior Appropriations legislation provided Close Up Foundation with grants from the Bureau of Indian Affairs, totaling nearly \$2.4 million, to provide civic education programming for Native American and Alaska Native youth. While Close Up has continued to provide opportunities to Native youth since that time, the number of student participants has been subject to the economic ability of tribal communities to provide financial support. With the establishment of the Native focused programs in partnership with the NIEA and USET, we seek to provide this opportunity to a larger number of Native students than ever before. Close Up would submit a proposal to the Bureau of Indian Education for a grant of \$500,000.

Close Up appreciates the long-standing support of the Subcommittee on Interior, Environment and Related Agencies for our civic education programs and your consideration of our FY11 request.

Statement of

JOHN R. D'ANTONIO, JR., P.E., NEW MEXICO STATE ENGINEER  
AND SECRETARY, NEW MEXICO INTERSTATE STREAM COMMISSION

to the

HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

in support of

FY 2011 Appropriations for BUREAU OF LAND MANAGEMENT activities  
to benefit COLORADO RIVER BASIN SALINITY CONTROL,  
DEPARTMENT OF INTERIOR

March 11, 2010

SUMMARY

This Statement is submitted in support of Fiscal Year 2011 appropriations for Colorado River Basin salinity control activities of the Bureau of Land Management. I urge that at least \$5,200,000 be appropriated for the Bureau of Land Management within the Soil, Water, and Air Management Subactivity for activities that help control salinity in the Colorado River Basin, and of that amount, \$1,500,000 be marked specifically for identified salinity control related projects and studies.

STATEMENT

The Colorado River Basin Salinity Control Forum (Forum) is comprised of representatives of the seven Colorado River Basin States appointed by the respective governors of the states. The Forum has examined the features needed to control the salinity of the Colorado River. These include activities by the states, the Bureau of Reclamation, the Department of Agriculture, and the Bureau of Land Management (BLM). The Salinity Control Program has been adopted by the seven Colorado River Basin States and approved by the Environmental Protection Agency as a part of each state's water quality standards. Also, Minute 242 of the International Boundary and Water Commission sets limits on the salinity of the water delivered to Mexico in the Colorado River.

About 75 percent of the land in the Colorado River Basin is owned, administered or held in trust by the federal government. The BLM is the largest land manager in the Colorado River Basin, and manages public lands that are heavily laden with salt. When salt-laden soils erode, the salts dissolve and enter the river system, affecting the quality of water used from the Colorado River by the Lower Basin States and Mexico. The BLM needs to target the expenditure of at least \$5.2 million for activities

in FY 2011 that benefit salinity control in the Colorado River Basin. In addition, the BLM needs to target the expenditure of \$1,500,000 of the \$5.2 million specifically for identified salinity control projects and technical investigations. Experience in past years has shown that BLM projects are among the most cost-effective of the salinity control projects.

As one of the five principal Soil, Water and Air Management program activities, BLM needs to specifically target \$5.2 million to activities that benefit the control of salinity on lands of the Colorado River Basin. In the past, BLM has allocated \$800,000 of the Soil Water and Air Management appropriation for funding specific project proposals submitted by BLM staff to the BLM salinity control coordinator. The recently released annual report of the federally chartered Colorado River Basin Salinity Control Advisory Council reports that BLM has identified projects that could utilize funding in the amount of \$1.5 million for FY2011. Consequently, I request that \$1.5 million of the Soil, Water and Air Management Subactivity be marked specifically for these identified Colorado River Basin salinity control activities.

I believe and support past federal legislation that declared that the federal government has a major and important responsibility with respect to controlling salt discharge from public lands. Congress has charged the federal agencies to proceed with programs to control the salinity of the Colorado River Basin with a strong mandate to seek out the most cost-effective solutions. The BLM's rangeland improvement programs can lead to some of the most cost-effective salinity control measures available. In addition, these programs are environmentally acceptable and control erosion, increase grazing opportunities, produce dependable stream run-off and enhance wildlife habitat.

The water quality standards adopted by the Colorado River Basin States contain a plan of implementation that includes BLM participation to implement cost effective measures of salinity control. BLM participation in the salinity control program is critical and essential to actively pursue the identification, implementation and quantification of cost effective salinity control measures on public lands.

Bureau of Reclamation studies show that quantified damages from Colorado River salinity to United States water users are about \$350 million per year. Unquantified damages increase the total damages significantly. For every increase of 30 milligrams per liter in salinity concentration in the waters of the Colorado River, an increase in damages of \$75 million is experienced by the water users of the Colorado River Basin in the United States. Control of salinity is necessary for the Basin States, including New Mexico, to continue to develop their compact-apportioned waters of the Colorado River. The Basin States are proceeding with an independent program to control salt discharges to the Colorado River, in addition to up-front cost sharing with Bureau of Reclamation and Department of Agriculture salinity control programs. It is vitally important that the BLM pursue salinity control projects within its jurisdiction to maintain the cost effectiveness of the program and the timely implementation of salinity control projects that will help avoid unnecessary damages in the United

States and Mexico.

At the urging of the Basin States, the BLM has created a full time position to coordinate its activities among the BLM state offices and other federal agencies involved in implementation of the salinity control program. The BLM's Budget Justification documents have stated that BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation and the U.S. Department of Agriculture, and report salt retention measures to implement and maintain salinity control measures of the federal salinity control program in the Colorado River Basin. The BLM is to be commended for its commitment to cooperate and coordinate with the Basin States and other federal agencies. The Basin States and I are pleased with the BLM administration's responsiveness in addressing the need for renewed emphasis on its efforts to control salinity sources and to comply with BLM responsibilities pursuant to the Colorado River Basin Salinity Control Act, as amended.

I request the appropriation of at least \$5.2 million in FY2011 for Colorado River salinity control activities of the BLM within the Soil, Water, and Air Management Subactivity, and that \$1,500,000 of that amount be marked specifically for identified salinity control related projects and studies. I appreciate consideration of these requests. I fully support the statement of the Colorado River Basin Salinity Control Forum submitted by Jack Barnett, the Forum's Executive Director, in request of appropriations for BLM for Colorado River salinity control activities.

House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies

Maria Mason  
Co-Director  
Coalition for Environmentally Safe Schools

I support the US EPA Federal fiscal year 2011 Clean, Green and Healthy Schools Initiative requesting a \$6.2 million increase to create healthier school environments for all children in our schools.

I have been working since 1993 with the EPA, Washington Toxics Coalition, Washington State Board of Health, and the Washington State Dept of Health to secure healthy environments for our children to learn. With EPA's help we developed Integrated Pest Management Policies for Bainbridge Island's schools, City and Parks. We were of the first in the State of Washington. For 5 years we have revised the Washington State Washington Administrative Codes (WAC's), and Rules only to be held up due to Legislative Budget constraints.

I have witnessed children and teachers who have been exposed to mold & other health hazards at their school and are no longer able to teach or go to class. For 17 years I have testified in front of The Legislature, over 150 government agencies, and worked on the National level. The EPA needs funding to help this cause. My daughter had a friend commit suicide due to the limitations of his health because of his exposure to solvent in elementary school on Bainbridge Island. I have notebooks filled with horrific stories of schools and communities who have been affected by lack of Government oversight in the State of Washington. Please see the 2009 report about 20 States and the health of their schools.

[http://www.healthyschools.org/SICK\\_SCHOOLS\\_2009.pdf](http://www.healthyschools.org/SICK_SCHOOLS_2009.pdf)

EPA needs the money allocated to these problems so they might be addressed. It is shameful to put our children's health in danger while we wait for agencies to help.

☐ EPA will co-lead an interagency effort in integrating existing school programs including asthma, indoor air quality, chemical clean out, green practices and enhanced use of integrated pest management.

☐ Promotes safe handling and management of PCB-containing caulk in schools and build necessary regional technical support and outreach to effectively implement site-specific cleanup and disposal plans. Assesses the impacts of non-compliance with existing environmental laws on health risks in schools.

Thank you, Maria Mason

## Coalition for Healthier Schools

### Position Statement and Recommendations

...providing the platform and the forum for school environmental health... since 2001...

Each school day, 55 million children and 7 million adults—that's 20% of the total U.S. population and 98% of all children—spend their workdays inside school buildings. Unfortunately, too many of our nation's 125,000 public and private K-12 schools are "unhealthy" buildings that can harm their health and hinder learning. Today, clear and convincing research shows that improving specific factors such as school indoor environmental quality improves attendance, academic performance, and productivity.

#### About children

Children are more vulnerable than adults to environmental hazards because they're smaller, have developing organs, and breathe more air per pound of body weight. They cannot identify hazards. Adverse exposures and injuries during childhood may have a lifetime impact. See [www.epa.gov/children](http://www.epa.gov/children)

#### School factors affecting health

Many school environmental factors can affect the health of children and employees. Too many schools are sited near industrial plants or toxic waste sites; some are sited on abandoned landfills. Many school facilities are poorly maintained. Schools are more densely occupied and more intensively used than office buildings, magnifying problems. Thousands of schools are severely overcrowded, which compromises ventilation systems, acoustics, food service, recess, and sanitation and lavatories. Children also spend extra hours in vehicles or buses when their schools are beyond safe walking and biking distances.

The US EPA has estimated that up to half of all schools have problems with indoor environmental quality. Children and staff are affected by: polluted indoor air and outdoor air, including toxic chemical and pesticide use; chemical spills; mold infestations; asbestos, radon, lead in paint and drinking water; inadequate chemical management; poor siting, design; hazardous materials purchased and stored onsite; and heavy metals and other toxics, such as mercury, CCA, PCBs.

#### Results of unhealthy schools:

- 60% of all children endure health and learning problems due SOLELY to the conditions of their schools:
- poor health and absenteeism
- asthma, allergies, headaches, fatigue, nausea, rashes and chronic illnesses
- more medication use by children and staff
- learning and behavior difficulties
- liability for school districts
- lower achievement, and reduced revenues due to poor attendance.

#### Coalition Position

When the nation is committed to raising academic performance and honoring each child's potential, and to improving the environment of every neighborhood, we have a **moral obligation** to protect all children and to accommodate children who already have impairments, and personnel.

**A powerful array of groups support new policies and actions for environmentally healthy schools, including parents, unions, educators, health and environment groups, and advocates for the millions of students in special education programs.**

**For children, for health, for environment, for education, and for communities, we support:**

- **The President's FFY 11 Budget for EPA's Healthy Schools Initiative, plus \$2 million**
- **Full staffing and resources for U.S. EPA children's health protection and schools programs** (at greater than FFY 06 levels)
- **Full funding and staffing for federal agencies** to coordinate federal strategy to address healthy school environments (CDC, EPA, Education, Energy, Labor, Homeland Security), including high performance school design, siting, construction, and the greening of schools with preventive maintenance (IAQ, IPM, green cleaning, and more)
  - Fund and reauthorize the Healthy High Performance Schools (Subtitle I) of the Energy Independence and Security Act of 2007 that directs EPA to create new guidelines for school environmental health programs (siting, IAQ, IPM, PCBs, building inspections).
  - Fund the Healthy and High Performance Schools Act in No Child Left Behind that authorizes Education, advised by EPA and Energy, to co-develop state grant programs on high performance school design.
- **Fund school construction/renovation and urgent repairs**, consistent with enacted laws promoting healthy school environments.

**This message sponsored by:** American Association on Intellectual and Developmental Disabilities; American Federation of State, County, and Municipal Employees; Alliance for Healthy Homes; American Lung Association; American Public Health Association; Apollo Alliance; Beyond Pesticides; Children's Environmental Health Network; Healthy Children-Healthy World; Connecticut Foundation for Environmentally Safe Schools; Environmental Defense; Funders Forum on Environment and Education; Healthy Kids: The Key to Basics (MA); Green Schools Initiative/CA; Healthy Schools Network; Improving Kids Environment (IN); Initiative for Children's Environmental, Health; Learning Disabilities Association of America; Marin Golden Gate Learning Disabilities Association (CA); Massachusetts Healthy Schools Network; National Center for Environmental Health Strategies; National Education Association; National Education Association Health Information Network; National PTA; Natural Resources Defense Council; New Jersey Work Environment Council; New Jersey Environmental Federation; Oregon Environmental Council; Physicians for Social Responsibility; Public Education Network; Twenty-first Century Schools Fund (DC); West Harlem Environmental Action; and League of Conservation Voters, Washington, DC; National Clearinghouse for Educational Facilities; National Association of Pediatric Nurse Practitioners; **and over 200 more organizations nationwide.**

**About the Coalition.** Convened in 2001, and coordinated by Healthy Schools Network, it provides the national forum and platform for healthy schools, through networking conference calls, meetings, and joint reports and actions. For more information, see [www.healthyschools.org](http://www.healthyschools.org) >coalition.

**Suggested reading:** *Sick Schools 2009*; *Green Schools: Costs and Benefits*, Greg Kats, 2006; *Green Schools*, National Academies Press, 2006; *Learning Curve: Putting Healthy School Principles into Practice*, Environmental Health Perspectives, 2009; *Lessons Learned* (2006); [www.epa.gov/schools](http://www.epa.gov/schools)

# COALITION FOR HEALTHIER SCHOOLS

*...providing the platform and the forum for school environmental health...*

March 18, 2010

The Honorable Jim Moran,  
Chairman  
Subcommittee on Interior, Environment,  
and Related Agencies  
Committee on Appropriations  
United States House of Representatives  
B-308 Rayburn House Office Building  
Washington, DC 20515

The Honorable Michael Simpson,  
Ranking Member  
Subcommittee on Interior, Environment,  
and Related Agencies  
Committee on Appropriations  
United States House of Representatives  
1016 Longworth House Office Building  
Washington, DC 20515

## Fund Healthy Schools Initiatives at EPA

Dear Chairman Moran and Congressman Simpson:

On behalf of our thousands of members and supporters across the country and millions of school children nationwide whose health, learning and behavior are daily impacted by the dank, dark, dirty, and polluted conditions of our PreK-12 public schools, we urge you to fund the EPA's "Clean Green Healthy Schools Initiative" at \$8.2 million, \$2 million above the President's \$6.2million in the FFY 11 request.

In the national ***SICK SCHOOLS 2009*** collaborative report from more than 30 contributing public interest nonprofits, we analyzed federal data from EPA, Education, and CDC, as well as a new peer-reviewed published science in healthy school environments. Result: at least 60% of all 55 million school children endure lower test scores and poor attendance due solely to the environmental conditions of their schools, and, sadly, there is little if any state capacity to address this national public health crisis for children. See [www.healthyschools.org/sickschools](http://www.healthyschools.org/sickschools)

The federal funds will support EPA's critical Office of Children's Health Protection and voluntary schools-focused programs, to create healthier school environments for all children: EPA will

- ✦ co-lead an important federal interagency effort to integrate existing school programs including asthma, indoor air quality, chemical clean out, green practices and enhanced use of integrated pest management;
- ✦ promote safe handling and management of PCB-containing caulk in schools and build necessary regional technical support and outreach to effectively implement site-specific clean up and disposal plans, and assesses the impacts of non-compliance with existing environmental laws on health risks in schools; and
- ✦ increase technical assistance on voluntary guidelines under the Energy Independence Security Act (EISA of 2007) regarding school siting and school environments.



We also urge you to support increases for EPA's Healthier Indoor Air and for community air toxics monitoring, and for expanding asthma programs and pesticide-use reductions with schools.

Children are 100% of our future and promoting healthy learning environments is a task that EPA is uniquely poised to tackle, in collaboration with Education and CDC.

A copy of the national Coalition for Healthier Schools Position Statement is attached, along with a list of its national supporters.

We look forward to working with you and your staff in the coming year.

Should you have any questions about this letter, please have your staff contact Claire Barnett, Executive Director, Healthy Schools Network at 202-543-7555 or [cbarnett@healthyschools.org](mailto:cbarnett@healthyschools.org)

Sincerely,

Coalition for Healthier Schools

**COLORADO RIVER BOARD OF CALIFORNIA**

770 FAIRMONT AVENUE, SUITE 100  
 GLENDALE, CA 91203-1035  
 (818) 500-1625  
 (818) 543-4685 FAX



March 17, 2010

**Statement of**  
 the  
**COLORADO RIVER BOARD OF CALIFORNIA**  
 to the  
**HOUSE COMMITTEE ON APPROPRIATIONS**  
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT,**  
**AND**  
**RELATED AGENCIES**

**Presented by**  
**GERALD R. ZIMMERMAN, EXECUTIVE DIRECTOR**  
**March 17, 2010**

**Requesting Appropriations for the**  
**COLORADO RIVER BASIN SALINITY CONTROL PROGRAM, TITLE II**

*Support for Fiscal Year 2011 Federal Funding*  
 of \$5.9 Million for the Department of the Interior - Bureau of Land Management (BLM)  
 to assist in the Colorado River Basin Salinity Control Program, with \$1,500,000  
 to be designated specifically to identified salinity control efforts

This testimony is in support of Fiscal Year 2011 funding for BLM for the sub-activity that assists Title II of the Colorado River Basin Salinity Control Act (P.L. 92-500). This successful and cost-effective program is carried out pursuant to the Colorado River Basin Salinity Control Act and the Clean Water Act (P.L. 92-500).

The Colorado River Board of California (Colorado River Board) is the state agency charged with protecting California's interests and rights in the water and power resources of the Colorado River system. In this capacity, California and the other six Basin States through the Colorado River Basin Salinity Control Forum (Forum), the interstate organization responsible for coordinating the Basin States' salinity control efforts, established numeric criteria in June 1975, for salinity concentrations in the River. These criteria were established to lessen the future damages in the Lower Basin states, as well as, assist the United States in

March 17, 2010

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delivering water of adequate quality to Mexico in accordance with Minute 242 of the International Boundary and Water Commission. California's Colorado River water users are presently suffering economic damages in the hundreds of million of dollars per year due to the River's salinity.

The BLM's Budget Justification document has stated that the BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation (USBR) and the U.S. Department of Agriculture (USDA), and report salt retaining measures in order to further the Plan of Implementation of Federal Salinity Control Program in the Colorado River Basin. The BLM Budget, as proposed in the BLM Budget Justification Document, calls for five principal program priorities within the Soil, Water, and Air Management Program. One of the priorities is reducing saline runoff in the Colorado River Basin to meet the interstate, federal and international agreements to control salinity of the Colorado River.

As you are aware, BLM is the largest landowner in the Colorado River Basin. Due to geological conditions, much of the lands that are controlled and managed by the BLM are heavily laden with salt. Past management practices have led to human-induced and accelerated erosion processes from which soil and rocks, heavily laden with salt have been deposited in various stream beds or flood plains. As a result, salts are dissolved into the Colorado River system causing water quality problems downstream.

Congress has charged federal agencies, including the BLM, to proceed with programs to control the salinity of the Colorado River. BLM's rangeland improvement programs can lead to some of the most cost-effective salinity control measures available. These measures significantly complement programs and activities being considered for implementation by the Bureau of Reclamation (Reclamation) through its Basin-wide Program and by the U.S. Department of Agriculture through its on-farm Environmental Quality Incentives Program.

In keeping with the Congressional mandate to maximize the cost-effectiveness of the salinity control program, the Advisory Council at its meeting in October 2009 in Phoenix, Arizona, recommended that Congress appropriate \$5,900,000 to BLM in FY-2010 for activities that help control salt contributions from BLM managed lands in the Colorado River Basin. In the past, BLM has used \$800,000 of this funding for proposals submitted by BLM staff to the BLM's salinity control coordinator for projects that focus on salinity control. The Colorado River Basin Salinity Control Advisory Council report states that the BLM has now identified projects that in FY-2011 could use \$1.5 million. The Colorado River Board requests that Congress appropriate \$5,900,000 to BLM in FY-2011. The Colorado River Board supports the Advisory Council's recommendation and urges the Subcommittee to specifically designate \$1,500,000 for the Colorado River Basin Salinity Control Program as has been the direction to BLM from the Subcommittee in past years.

March 17, 2010

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Since the Congressional mandates of over two decades ago, much has been learned about the impact of salts in the Colorado River system. Reclamation estimates that the quantified economic impacts and damages to water users in the United States alone is about \$376 million per year. However significant un-quantified damages also occur. For example, damages can be incurred related to the following activities:

- A reduction in the yield of salt-sensitive crops and increased water use for leaching in the agricultural sector;
- A reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector;
- An increase in the use of water for cooling, and the cost of water softening, and a decrease in equipment service life in the commercial sector;
- An increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector;
- A decrease in the life of treatment facilities and pipelines in the utility sector;
- Difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins, and fewer opportunities for recycling and reuse of the water due to groundwater quality deterioration;
- Increased use of imported water for leaching and the cost of desalination and brine disposal for recycled water.

For every 30 milligram per liter increase in salinity concentrations, there are an additional \$75 million damages within the United States. In addition, the federal government has made significant commitments to the Republic of Mexico and to the seven Colorado River Basin states with regard to the delivery of quality water to Mexico. In order for those commitments to be honored, it is essential that in FY-2011, and in future fiscal years, that the Congress provides adequate funds to BLM for its activities related to salinity control in the Colorado River Basin.

March 17, 2010  
Page 4 of 4

The Colorado River is, and will continue to be, a major and vital water resource to the 18 million residents of southern California, including municipal, industrial, and agricultural water users in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties. Preservation and improvement of Colorado River water quality through an effective salinity control program will avoid the additional economic damages to users in California and the other states that rely on Colorado River water resources.

If any member of the Committee or Subcommittee requires additional information should feel free to contact me at (818) 500-1625.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald R. Zimmerman", written in a cursive style.

Gerald R. Zimmerman  
Executive Director

JIM GIBBONS, *Governor*  
 GEORGE F. OGILVIE III, *Chairman*  
 ACE I. ROBISON, *Vice Chairman*  
 GEORGE M. CAAN, *Executive Director*

STATE OF NEVADA



MARYBEL BATJER, *Commissioner*  
 TOM COLLINS, *Commissioner*  
 DUNCAN R. MCCOY, *Commissioner*  
 BERLYN D. MILLER, *Commissioner*  
 LOIS TARKANIAN, *Commissioner*

COLORADO RIVER COMMISSION  
 OF NEVADA

March 5, 2010

VIA ELECTRONIC MAIL

Honorable Norman Dicks, Chair  
 Subcommittee on Interior, Environment,  
 and Related Agencies  
 House Committee on Appropriations  
 Room B-308 Rayburn House Office Building  
 Washington, D.C. 20515-6023

Subject: Support for FY 2011 Appropriations for the Bureau of Land Management

Dear Chairman Dicks:

As a Nevada representative of the Colorado River Basin Salinity Control Forum and Advisory Council, the Colorado River Commission of Nevada (CRCN) submits this written testimony in support of funding for the Bureau of Land Management (BLM) for the subactivity that assists the Colorado River Basin Salinity Control Program. The CRCN believes the BLM needs to specifically target \$5,200,000 to activities that help control salt contributions from BLM managed lands in the Colorado River Basin. In the past, the BLM has used \$800,000 of the Soil, Water and Air Management Program funding for proposals submitted by BLM staff to the BLM's salinity control coordinator for projects that focus on salinity control. The Colorado River Basin Salinity Control Advisory Council has recognized that the BLM has now identified projects that in FY 2011 could use \$1.5 million. For years, Congress has dedicated \$800,000 on the effort; the CRCN believes \$1.5 million should be so designated for FY 2011.

Salinity remains one of the major problems in the Colorado River. Congress has recognized the need to confront this problem with its passage of P.L. 93-320 and P.L. 98-569. Your support of the current funding recommendations that support the Colorado River Basin Salinity Control Program is essential to move the program forward so that the congressionally directed salinity objectives are achieved.

Sincerely,

/s/ George M. Caan

George M. Caan  
 Executive Director

GMC/NE/jln

cc: Representative Shelley Berkley, State of Nevada  
 Representative Dina Titus, State of Nevada  
 Representative Dean Heller, State of Nevada

555 E. Washington Avenue, Suite 3100, Las Vegas, Nevada 89101-1065

Phone: (702) 486-2670  
 Fax: (702) 486-2697  
 TDD: (702) 486-2698  
<http://www.crc-nv.gov>



**The Confederated Tribes of the Grand Ronde Community of Oregon**

Tribal Council  
Phone (503) 879-2301  
1-800-422-0232  
Fax (503) 879-5964

9615 Grand Ronde Rd.  
Grand Ronde, OR 97347

**STATEMENT OF CHERYLE A. KENNEDY, TRIBAL COUNCIL CHAIRWOMAN,  
CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY OF OREGON**

Chairman Moran, Ranking Member Simpson, Members of the Subcommittee, my name is Cheryle Kennedy and I am the Chairwoman of the Confederated Tribes of the Grand Ronde Community of Oregon.

First, I want to thank the Subcommittee for its leadership in addressing the many issues facing Indian Country. Your commitment to increasing funding for healthcare, economic and infrastructure development, crime and gang prevention, and other Native priorities is very much welcomed and appreciated.

My testimony today is shaped in part by a 30-year career as a health administrator working to improve the access and quality of healthcare to Natives and, more importantly, as someone who personally experienced the immediate injustices of termination and has lived long enough to witness and chronicle its long-term consequences.

I would like to focus my testimony today on a topic of great importance to me, my tribe, and other Contract Health Dependent Area Tribes, recommended changes of the 2001 CHS Allocation Workgroup formula. This formula is used to distribute federal funds for health care services for patients when the local tribal facility is unable to provide needed services. These recommendations are supported by the Northwest Portland Area Indian Health Board which represents forty-three federally recognized tribes in the states of Oregon, Washington, and Idaho.

Notwithstanding the significant increase in funding provided to Contract Health Services in FY10 and President Obama's FY11 Budget, there is still much to be done. I come from a restored tribe. I was a young girl when Congress passed the Western Oregon Indian Termination Act ending the federal recognition of all western Oregon tribes, including Grand Ronde. For most Grand Ronde people, termination meant a loss of home, identity as a tribe, and services from the federal government. After 30 years of hard work and perseverance by tribal members, the Grand Ronde people convinced Congress in 1983 to reverse its ill-fated termination decision and restore Grand Ronde's federal recognition.

As you would expect, termination forced the vast majority of Grand Ronde tribal members to leave the reservation in search of work and sustenance. While today many tribal members are returning to the reservation, Grand Ronde has tribal members living across the United States and around the world.

Health care to eligible beneficiaries who reside in our six-county service area is provided out of the Grand Ronde Health and Wellness Center, a health care facility built, financed, and owned

*Umpqua Molalla Rogue River Kalapuya Chasta*

by the tribe on the Grand Ronde Reservation. The tribe first contracted with the Indian Health Service ("IHS") in 1986 and began running a CHS program. In 1995, the tribe and IHS entered into a self-governance agreement under Title V of the Indian Self-Determination and Education Assistance Act. Like most of the other tribes, we have struggled to achieve and maintain a high level of health care service, despite chronic under-funding, especially of CHS funds. The CHS budget is the most important budget item for the Grand Ronde Health and Wellness Center as there are no hospitals in the Portland Area, unlike most other IHS areas. This is significant because IHS inpatient hospitals are able to provide services that outpatient clinics cannot.

This gap in services is otherwise borne by a tribe's CHS funds. Due to the lack of facilities to deliver health services, Grand Ronde has no choice but to purchase specialty care from the private sector. It is important to understand that the CHS program does not function as an insurance program with a guaranteed benefit package. When CHS funding is depleted, CHS payments are not authorized. The CHS program only covers those services provided to patients who meet CHS eligibility and regulatory requirements, and only when funds are available. Past allocations have missed the most important aspect of the funding formula disparity, which is the fact that IHS areas that have hospitals have a tremendous allocation of H&C funding, plus millions in revenue generated from hospital services that are not included in the CHS formula distribution. By not including these figures in CHS allocations, the IHS has shortchanged non hospital areas like Portland, California, etc. for years, creating such a burden on CHS funding that quality outcomes are nonexistent.

The Portland Area has been working for many years to address the inadequacies the distribution methodology used by IHS to allocate CHS resources has had on Contact Health Services Dependent Areas. Unlike hospital based Areas that can provide specialty care services, CHS dependent Areas must purchase all specialty care utilizing CHS resources. IHS hospital level care can substitute for CHS purchased services in some Areas but not in others. Yet the annual distribution of CHS funds does not consider this fundamental exchange.

The funding disparity impacts the ability of tribes such as Grand Ronde to offer services such as radiology, specialty diagnostics, laboratory, and pharmacy services which tend to be associated with hospital based facilities. As a former Executive Director of the Northwest Portland Area Indian Health Board, I am keenly aware of the impacts the 2001 CHS Workgroup formula has had on the ability of tribes to provide quality healthcare to their members. The formula is simply not fair.

I appreciate Dr. Roubideaux's outreach to Indian Country to solicit recommendations on how best to improve the efficiency and effectiveness of the CHS program and acknowledging that changes to the CHS distribution formula may be warranted.

On March 11, 2010, the Northwest Portland Area Indian Health Board held a listening session with Dr. Roubideaux to discuss recommended programmatic and CHS distribution formula changes specific to CHS Dependent Area Tribes. It is the position of the Portland Area tribes that the proposed formula developed by the 2001 CHS Workgroup has not been officially adopted by the IHS and that the Agency should continue to consult with tribes over its continued use. It was also recommended Dr. Roubideaux should convene a new CHS Workgroup to revisit the 2001 formula and consider the following recommendations: (1) Alternate resources

*Umpqua Molalla Rogue River Kalapuya Chasta*



(Medicaid, Medicare, Private Insurance, and changes under health reform) when making CHS distributions, (2) CHS Dependency, (3) Use of actual medical inflation when allocating CHS funding, (4) The unique circumstances of CHS Dependent Areas must be addressed by the IHS and Congress in national and internal health reform, otherwise these systems will continue to be plagued with chronic underfunding and may not be able to capitalize on health care coverage expansions that will come with health reform, and (5) To address the lack of access to the CHEF, it is recommended that Congress consider establishing an intermediate risk pool for CHS Dependent Areas.

When Grand Ronde took over the delivery of healthcare services, our goal was simple: to provide the best possible health care to our people. We wanted to provide a continuum of care to our patients that would include as many possible health services in one location as possible so that the care is provided by physicians who are providers that could be integrated and coordinated. The challenge Grand Ronde has faced in providing health services to its members is an illustration of the impact that CHS under-funding, IHS under-funding, and the lack of fairness of the distribution formula has on tribal health programs and tribal sovereignty.

Since restoration, the Grand Ronde Tribe has worked diligently to develop the foundation necessary to sustain a viable community. We have invested in excess of one hundred million dollars to date toward this effort. However, to accomplish our ultimate objective requires an additional investment of hundreds of millions of dollars in areas such as health care, land acquisition, physical infrastructure, government institutional systems, support services, and other resources which promote a sustainable community and provide a reasonable opportunity for our people to realize social and economic stability and progress.

The last two years and the President's proposed FY 2011 budget mark positive changes for Indian health funding. All tribes share in that success if increases in federal funding are distributed fairly. The 2001 Workgroup formula does not meet the test of fairness in the way it was developed or the results that it produces. Grand Ronde along with the Northwest Portland Area Indian Health Board is ready, willing, and able to work on a new formula that will meet the needs of all tribes.

Before I conclude my testimony I would like to add my voice to those advocating for increased funding to address the unique law enforcement needs of Indian Country. There are huge gaps between tribes' abilities to fund law enforcement activities and their law enforcement needs. Grand Ronde is attempting to cope with an increasing workload driven by rising crime, increased police involvement in the social concerns that relate to crime, drugs, and greater community demands for police services. Funding needs are especially acute for restored tribes such as Grand Ronde. During the 1960s and 1970s area of self-determination, the federal government gave tribes more training, involvement, and influence in the process of managing federal funds such as the Tribal Priority Allocations program for law enforcement, social services, adult vocational training, child welfare, and natural resource management. Being that Grand Ronde wasn't restored until 1983, the Tribe was unable to participate or capitalize on the unprecedented federal investment provided to Indian Country during these times. Serious consideration needs to be made to provide restored tribes with direct funding to assist them in developing the fundamental infrastructure and public safety needs of their communities.

Your attentions to the outlined concerns are greatly appreciated.

*Umpqua Molalla Rogue River Kalapuya Chasta*

**James P. Glowienka**  
Chairman  
Trout Unlimited Connecticut Council  
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**Testimony of James P. Glowienka**  
**Chairman, Connecticut Council of Trout Unlimited**  
**In Support of Forest Legacy Program funding**  
**For Scantic River Headwaters project, Connecticut**  
**U.S. Forest Service**  
**House Appropriations Committee**  
**Subcommittee on Interior, Environment, and Related Agencies**  
**The Honorable James Moran, Chairman**  
**The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

As Chairman of the Connecticut Council of Trout Unlimited (TUCC), I would like to express my appreciation for the opportunity to present this testimony in support of the Scantic River Headwaters project in Connecticut. An appropriation of \$3.01 million from the Forest Legacy Program is needed in order to protect the 1,100-acre Scantic River Headwaters property. I am thankful this project was included in the President's Budget request for FY 2011 at a funding level of \$2.23 million. Conservation of the property, however, can be completed in its entirety this year with an appropriation for the full \$3.01 million requested.

TUCC's parent organization, Trout Unlimited (TU), was founded in 1959 to pursue the mission of "protecting, re-connecting, restoring and preserving" North America's coldwater fisheries and their watersheds." We are a national organization of 152,000 grass roots volunteer members in 450 local chapters across 44 states who work to achieve this mission. In Connecticut, we are 3,500 members in eight local chapters. Our efforts range from restoration (rolling boulders and restoring river banks on streams to provide good trout habitat) to conservation advocacy (raising funds and communicating with policy makers) in order to afford protection to trout habitat. The Scantic River Headwaters project is a conservation effort of unprecedented size and scale in Connecticut and provides a unique opportunity to further TU's mission in support of the State's residents.

Connecticut's forests greatly improve the quality of life for the people of the state by filtering the air, safeguarding drinking water sources, producing locally grown forest products, and providing essential habitat for wildlife. State foresters in the Northeast agree that forest fragmentation jeopardizes these important benefits. Forest fragmentation occurs when contiguous forest is divided into smaller blocks and converted to a nonforest use. According to a study by the U.S. Forest Service, the state of Connecticut lost more than 88,000 acres of commercial forestland to development between 1985 and 1998. Forest fragmentation is just

Visit the TU CT Council Website @ [www.cttrout.org](http://www.cttrout.org)

one of the factors that TU tries to mitigate with the 're-connect' element of its own conservation strategy. To address the issue of forest fragmentation, Congress created the Forest Legacy Program in 1990 to identify and protect environmentally significant forests threatened by conversion to nonforest uses. The State of Connecticut has participated in the program since 1994 and has successfully protected more than 8,000 acres of forestland across the state. This year the State of Connecticut has identified the Scantic River Headwaters project as its top-ranked Forest Legacy project.

The Scantic River Headwaters project seeks to preserve a vast network of forested properties in northeast Connecticut by protecting connected lands owned by three separate landowners in the Scantic River Headwaters area. The Scantic River and its 90,000-acre watershed is one of the most treasured natural resources in Connecticut and Massachusetts, offering exceptional fishing as well as other outdoor recreation opportunities, e.g., hunting, paddling, and hiking within easy reach of Hartford, Springfield, and other major population centers. Totalling more than 1,000 acres at the Scantic River's source near Stafford Springs, the Scantic River Headwaters project is a rare opportunity to protect one of the largest wild landscapes remaining in the entire Scantic River watershed. Protection of the three properties that make up the project area will link these properties to another 6,000 acres of existing conservation land, preserve productive forestland and create a contiguous block of wildlife habitat and hunting and fishing grounds that is unparalleled in southern New England.

The source waters of the Scantic River, which extends for 38 miles through five towns in Connecticut and Massachusetts, emerge within the project area, making it particularly important to the Scantic as well as the Connecticut River. The Scantic River watershed was identified by the USDA Natural Resource Conservation Service as one of the three critical watersheds in Connecticut to receive Water Quality Improvement funding. The U.S. Forest Service has also invested heavily in the watershed through the Stewardship Incentive Program and the Forest Land Enhancement Program.

Bringing these points a little closer to home for me, the Scantic River Headwaters project greatly advances one of TU's core initiatives with respect to the East Coast's original indigenous salmonid, the brook trout. In 2005, in recognition of the need to address regional and range-wide threats to brook trout, TU joined several other public and private environmental and educational entities and state and federal agencies to form the Eastern Brook Trout Joint Venture (EBTJV). The goal of the EBTJV is to halt the decline of brook trout and restore fishable populations and, to that end, recognizes the Scantic River Headwaters project area as having some of the most important fishery resources remaining in the eastern United States. In its groundbreaking study assessing Eastern brook trout habitat, the EBTJV ranked the entire project area as "intact," meaning that 90 to 100 percent of the Eastern brook

trout's historical habitat is occupied by self-reproducing (wild) brook trout. This ranking is significant because intact stream populations exist in only five percent of all subwatersheds studied. In addition, many tributaries within the project area have been classified by the Connecticut Department of Environmental Protection as "Class A" streams, indicating that they are clean enough to qualify as a potential drinking water supply and capable of providing the highest quality habitat for fish and other aquatic life.

As I look beyond my TU perspective and assume that of an environmentally aware state resident, the Scantic River Headwaters project area also provides important habitat for species that require unfragmented forest, including some of the state's larger mammals such as bear, moose and coyote. The project area's forestland and extensive system of streams, wetlands, and open water provide critical habitat for a wide variety of reptilian and amphibian species as well as migratory and resident birds that rely on intact forest cover for their breeding, foraging, and migration patterns. These birds include the bald eagle, red-headed woodpecker, and blue teal—all listed on the state's threatened or endangered species list--and the following species of greatest conservation need as identified in the Connecticut Wildlife Action Plan: wood duck, Canada goose, mallard, black duck, and hooded merganser.

The properties that make up the Scantic River Headwaters project are regularly used by anglers, hunters, and other recreationists from Stafford and surrounding communities with permission from the landowners. My fellow sportsmen are drawn to the stocks of native brook trout and largemouth bass, as well as white-tailed deer and abundant populations of game birds, including grouse, turkey, and woodcock found on these lands. Other recreational uses include horseback riding, hiking, cross-country skiing, snowshoeing, and mountain biking. Protecting the project area by a conservation easement through the Forest Legacy Program will help ensure the public is able to enjoy these recreational opportunities for generations to come.

In conclusion, the Scantic River Headwaters project represents a rare opportunity to further private, state and federal goals of continuing traditional forest uses, managing large forest blocks to enhance and create biologically diverse wildlife and conservation corridors, and maximizing the protection of land and water resources. Too often, TU finds itself engaged in after-the-fact restorative efforts involving properties that were never afforded the protection that they should have had. The Scantic River Headwaters project is especially important to our organization because it offers a proactive opportunity to forever protect the land, and its critical ecosystems, from becoming degraded and spoiled – which is a true gift to this and future generations.

In FY 2011, an appropriation of \$3,010,000 is needed from the Forest Legacy Program for a conservation easement that will protect 1,100 acres of high resource value forested lands in an important, threatened focus area in north central Connecticut. The landowners have each

made signed commitments to provide the 25 percent required nonfederal match through a donation of land value.

Please do all that you can to ensure that this worthwhile program is funded adequately in FY 2011 and that the Scantic River Headwaters project receives \$3.01 million in FY 2011.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Connecticut, and I appreciate your consideration of this funding request.

Sincerely,

A handwritten signature in black ink, appearing to read "James P. Glowienka". The signature is fluid and cursive, with the first name "James" being more prominent.

James P. Glowienka  
Chairman, Connecticut Council  
Trout Unlimited

**Testimony of Daniel G. Sakura, Vice President for Government Relations  
The Conservation Fund before the  
Subcommittee on Interior, Environment and Related Agencies  
Committee on Appropriations  
United States House of Representatives**

**March 26, 2010**

Chairman Moran, Ranking Member Simpson and Members of the Subcommittee, The Conservation Fund appreciates this opportunity to testify in support of the Land and Water Conservation Fund, the Forest Legacy Program and several other land acquisition programs.

Headquartered in Arlington, Virginia, The Conservation Fund (TCF) is a national, non-profit conservation organization dedicated to conserving America's land and water legacy for future generations. In 1985, Patrick F. Noonan established TCF to work with federal, state, local and private partners to conserve our nation's most important lands, for people, wildlife and communities. As this year marks our 25<sup>th</sup> anniversary, we are celebrating twenty five years of innovative partnerships to conserve over 6.4 million acres of working forests, farms and ranches, historic and recreational sites and fish and wildlife habitat nationwide, including almost 60,000 acres in the Commonwealth of Virginia.

Our work to conserve Virginia's rich heritage includes important Native American sites, George Washington's Ferry Farm, the great battles of the Civil War – Fredricksburg, Chancellorsville, Appomattox, Petersburg and the Wilderness – and the advancement of African Americans through the Booker T. Washington National Historic Site.

These accomplishments are due, in large measure, to the leadership of this Subcommittee to appropriate funds to federal agencies to acquire lands for future generations. In particular, we wish to express our appreciation to the Subcommittee for its strong support for land conservation funding in the Fiscal Year 2010 Interior appropriations bill.

As a member of the Land and Water Conservation Fund Coalition, TCF supports the Coalition's goals to increase funding for the Land and Water Conservation Fund (LWCF) and U.S. Forest Service's Forest Legacy Program (FLP). We support the Coalition's funding goals outlined in testimony presented to the Subcommittee. To highlight the need for the proposed funding increases in the President's FY 2011 budget request to Congress, we wish to highlight several conservation opportunities. Starting in the eastern United States, our priorities include National Wildlife Refuges in Virginia, the Rocky Fork project in east Tennessee, Petrified Forest National Park, the Upper Snake/South Fork in eastern Idaho and the Birch Creek Forest Legacy Project near Flathead Lake and Kalispell, Montana.

**Virginia National Wildlife Refuges Land Acquisition.** Over 400 years ago, Captain John Smith sailed and rowed up the Chesapeake Bay and Virginia's great rivers – the Potomac, Rappahannock, James and York – to the fall line, where the Atlantic Coastal Plain transitions to the Piedmont. At the fall line, Virginia settlers later established towns and cities – Alexandria, Fredericksburg and Richmond. For centuries, Virginia's rivers served as its lifelines: many early

houses faced the rivers as highways of commerce and industry. Today, the U.S. Fish and Wildlife Service (FWS) is managing National Wildlife Refuges (NWR) along the Potomac, Rappahannock and James Rivers and Back Bay and the Great Dismal Swamp. These refuges protect important fish and wildlife habitat, provide visitors with opportunities for wildlife-based outdoor recreation, protect water quality and water quantity and conserve historic resources along the Captain John Smith National Historic Trail and other designated areas. Federal LWCF funding for land acquisition in the Chesapeake Bay watershed will help the region achieve targets for water quality and ecosystem restoration in the Chesapeake Bay.

Rappahannock River Valley NWR. To advance these goals, the Subcommittee approved \$500,000 for the Rappahannock River Valley NWR in FY 2010 funding (Phase I) to acquire a key inholding within the Refuge known as the Fones Cliff tract. In 1608, Native Americans attacked John Smith and his crew by sending a hail of arrows from the cliff onto Smith's shallop, a small boat. Because of the important bald eagle habitat along the cliff, the FWS included \$1.0 million in its FY 2011 budget request to Congress for Phase II funding. In order to complete the Fones Cliff project, TCF requests the Subcommittee's support for \$3.0 million in LWCF funding for the Refuge in the FY 2011 appropriations bill, a \$2.0 million increase over the FWS budget request.

James River NWR. We appreciate the Subcommittee's strong support for the James River NWR by providing funding to complete the Blair's Wharf project in the FY 2010 appropriations bill. The FWS has identified a nearby 50 acre waterfront property as an important addition to the Refuge. Known as the Osprey Nest property, it includes over a half-a-mile of frontage along the James River, between the Refuge and the Flowerdew Hundred plantation. TCF is requesting \$1.25 million which will enable the FWS to acquire the entire tract, which is also located along the Captain John Smith NHT.

Great Dismal Swamp and Back Bay NWRs. We are grateful to the Subcommittee for providing \$500,000 in the FY 2010 Interior bill for the first phase of a \$1.75 million project to acquire land for the FWS's proposed new visitor center along Highway 17 in partnership with the City of Chesapeake. We respectfully request the Subcommittee's support for \$1.25 million in the FY 2011 Interior bill to complete this project to provide the public with a new opportunity to learn about the Great Dismal Swamp, Virginia's largest wetlands complex. This project will also serve as an anchor for a walking, biking and kayaking trail to help improve public health through exercise. For many years, we have worked in close partnership with Molly Brown and the Friends of the Back Bay National Wildlife Refuge. We support the Friends' request for \$1.0 million for the Back Bay NWR.

Capper-Cramton Reauthorization. Mr. Chairman, I'd also like to express our support for your legislation (H.R. 2986) to reauthorize the Capper-Cramton Act of 1930. Because of the visionary leadership in Congress over 80 years ago, residents of the national capital region enjoy an outstanding network of protected greenways and linear parks, mostly along stream corridors and sensitive wetlands. By preserving these lands, Congress provided the region with recreational opportunities that improve public health through exercise and protect our water quality by filtering pollutants from our air and water. We support your bill, the National Capital

Region Land Conservation Act of 2009 and look forward to working with you to pass this important bill.

**Rocky Fork/Cherokee National Forest, Tennessee -- \$11 million.** For two years in a row, the U.S. Forest Service has identified the Rocky Fork project as its top land acquisition priority in the country and has included \$6 million in its FY 2011 budget request to Congress. In 2008, TCF acquired the Rocky Fork property which is situated along the Tennessee-North Carolina border near Johnson City and Asheville, North Carolina. Named after the creek that flows from the property, Rocky Fork features exceptional water quality with over 16 miles of Blue Ribbon trout streams that support native brook trout. Thanks to the Subcommittee's support for this project, the USFS has received over \$19.4 million in federal appropriations, including \$6 million in the FY 2010 bill. Coupled with \$9 million in state and private funding in hand, along with other pending funding requests, the USFS can complete this approximately \$40 million project with an \$11 million appropriation in the FY 2011 Interior appropriations bill. Because we purchased this property in December 2008, this funding request is our top funding priority in the FY 2011 Interior bill.

By completing this project this year, the USFS will protect water quality and quantity in the Nolichucky River watershed, ensure continued public access for fishing, hiking, hunting and a range of other activities and preserve important habitat for black bear, turkey, deer and grouse. Due to the bipartisan support from the Tennessee and North Carolina congressional delegations and a partnership with the Appalachian Trail Conservancy and Southern Appalachian Highlands Conservancy, we are within striking distance of preserving the largest private inholding within the National Forests in the Southern Appalachians.

**Petrified Forest National Park, Arizona -- \$7.54 million.** TCF supports full funding of the President's Fiscal Year 2011 budget request of \$7.54 million to acquire key private inholdings within Petrified Forest National Park. The National Park Service has identified these lands as its top acquisition priority nationwide. If approved, these funds would help implement boundary expansion legislation Congress passed in 2004 that enjoyed strong support from landowners, local communities, leading academic researchers, and non-profit organizations.

While best known for the mineralized trees from the late Triassic, the private lands proposed for acquisition feature very significant fossil resources, archeological sites, wildlife habitat and scenic beauty. Because of its location along the Chinle formation, the privately-owned Hatch Ranch includes a tremendous diversity of fossil resources and irreplaceable paleontological and archeological resources that are threatened by illegal collecting, subdivision, energy and mineral development and other threats. Starting with Congress's leadership to create the Park in 1906 and President Theodore Roosevelt support for the bill, the American public has recognized the Park's unique contribution to the advancement of human understanding of our nation's rich natural and cultural heritage. We encourage the Subcommittee to build on our nation's commitment to protect these resources, which dates back over 100 years.

**Upper Snake/South Fork ACEC, Idaho-- \$3.0 million.** TCF supports full funding of the President's FY 2011 budget request of \$3.0 million to enable the BLM to purchase conservation easements from local farmers and ranchers in eastern Idaho to conserve high value Snake River



frontage properties. Through the purchase of easements, the BLM can protect the South Fork of the Snake River's outstanding water quality, cold-water fishery and recreational fishing opportunities, while keeping these working agricultural lands in private ownership and on the county tax rolls. The funds would ensure that the Upper Snake/South Fork will continue to provide outstanding recreational opportunities to local residents and visitors, which generate significant economic benefits. The South Fork's riparian habitat features extensive cottonwood galleries that provide habitat for a range of wildlife species. The Upper Snake/South Fork also provides an important wildlife migration corridor and, through its proximity to the adjoining Targhee National Forest, will help provide adaptation opportunities for wildlife and plant species.

**Birch Creek Forest Legacy Project, Montana - \$1.65 million.** TCF requests the Subcommittee's support for \$150 million in FY 2011 funding for the Forest Legacy Program (FLP). Administered by the U.S. Forest Service, FLP is a critical funding source to assist states, local communities and private landowners to maintain working forests to provide multiple benefits to adjacent communities including watershed protection, economic sustainability, wildlife habitat and public recreation. The proposed Birch Creek Demonstration Forest, near Kalispell, Montana, will generate these benefits and create new opportunity to demonstrate forest management strategies to landowners in partnership with a local community college.

The U.S. Forest Service budget request includes a \$1.65 million Forest Legacy grant to the State of Montana to establish the Birch Creek Demonstration Forest, in the Flathead Valley. The proposed demonstration forest would ensure continued recreational opportunities on the Foys-to-Blacktail trail and help provide information to local landowners to manage lands for timber production and fire suppression, with a goal of reducing the impact of wildland fires and the cost of fire suppression. By acquiring 320 acres from The Conservation Fund, these funds would enable the State of Montana to acquire a buffer for adjacent protected lands in one of the most rapidly developing areas of the state. If funding is secured, the State of Montana would hold title to the property with Flathead Valley Community College managing education and research to benefit landowners, the timber industry and the local economy through outreach to small, private forestland owners.

**Priority Land Acquisition Programs.** In addition to these projects, we wish to highlight several other priority programs. TCF requests \$52.6 million in FY2011 funding for the North American Wetlands Conservation Act (NAWCA). TCF has utilized NAWCA grants to conserve important wetlands systems across the country, including recent projects in Florida, Michigan and Texas. TCF supports a request of \$10 million for the new Community Forest and Open Space Conservation Program (CFOSCP) established by the Farm Bill of 2008. TCF also supports the President's FY2011 Budget Request of \$85 million for the Section 6 Cooperative Endangered Species Conservation Fund Grant Program and would like to continue to see this program grow in future years given intense demand across the country for the Habitat Conservation Plan and Recovery Land Acquisition Grant Programs.

Chairman Moran, Representative Simpson and members of the Subcommittee, thank you for this opportunity to testify and for your favorable consideration of these projects which will leave a legacy to future generations.



Evan Hirsche, Chair  
 Cooperative Alliance for Refuge Enhancement  
 1250 Connecticut Ave. NW, Suite 600  
 Washington, D.C. 20036

**TESTIMONY OF THE  
 COOPERATIVE ALLIANCE FOR REFUGE ENHANCEMENT (CARE)  
 BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS  
 SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
 REGARDING FISCAL YEAR 2011 APPROPRIATIONS FOR THE  
 NATIONAL WILDLIFE REFUGE SYSTEM**

**March 19, 2010**

Chairman Moran, Ranking Member Simpson, and Members of the Subcommittee:

Thank you for the opportunity to offer comments on the fiscal year 2011 (FY 2011) Interior Appropriations bill. The National Wildlife Refuge System stands alone as the only land and water conservation system with a mission that prioritizes wildlife and habitat conservation and wildlife-dependant recreation. Since 1995, the Cooperative Alliance for Refuge Enhancement (CARE) has worked to showcase the value of the Refuge System and to secure a strong Congressional commitment for conserving these special places. Located in every U.S. state and territory, refuges conserve a diversity of America's environmentally sensitive and economically vital ecosystems, including oceans, coasts, wetlands, deserts, tundra, prairie, and forests. We respectfully request a funding level of \$578 million for the Operations and Maintenance accounts of the National Wildlife Refuge System for FY 2011.

This testimony is submitted on behalf of CARE's 22 member organizations, which represent more than 15 million Americans passionate about wildlife conservation and related recreational opportunities.

American Birding Association  
 American Fisheries Society  
 American Sportfishing Association  
 Association of Fish and Wildlife Agencies  
 Congressional Sportsmen's Foundation  
 Defenders of Wildlife  
 Ducks Unlimited, Inc.  
 Izaak Walton League of America  
 Marine Conservation Biology Institute  
 National Audubon Society  
 National Rifle Association

National Wildlife Federation  
 National Wildlife Refuge Association  
 Safari Club International  
 The Corps Network  
 The Nature Conservancy  
 The Wilderness Society  
 The Wildlife Society  
 Trout Unlimited  
 U.S. Sportsmen's Alliance  
 Wildlife Forever  
 Wildlife Management Institute

CARE deeply appreciates the Subcommittee's vision and leadership regarding the funding increases realized in FY 2008 through FY 2010, and the 2009 American Recovery and Reinvestment Act (Recovery Act). While it does not reduce the annual needs of the Refuge System, the Recovery Act is providing a jolt to local economies by providing refuges across the country with the means to hire local contractors and purchase local materials for important infrastructure and habitat restoration projects. Following a period of essentially flat annual budgets, the recent increases in annual appropriations allowed for the suspension of workforce downsizing plans that called for an eventual 20 percent reduction in overall staffing levels. But with more than 10 percent of staff already eliminated since 2004, additional funding increases that build upon the last three years are essential if this valued system of conservation lands is to rebound to its full potential. With the goal of fulfilling the progressive conservation vision that President Theodore Roosevelt first espoused more than a century ago, CARE respectfully requests a FY 2011 funding level of \$578 million for the Operations and Maintenance accounts of the National Wildlife Refuge System.

As our 2010 CARE report shows, the Refuge System needs to reach an annual funding level of \$900 million over the long term. The \$578 million for FY 2011 is considered an essential next step on a long path toward adequate funding. This annual funding is needed to properly patrol and enforce laws on 150 million acres, provide nature programs to the public, maintain high water quality, complete habitat restoration projects, address scores of mothballed mission-critical projects, respond to the adverse impacts of climate change, and more.

An appropriation of \$578 million in FY 2011 would stabilize the workforce by keeping the workforce downsizing plans securely on the shelf and thereby reducing pressure on the U.S. Fish and Wildlife Service (FWS) to cut refuge staff below already insufficient levels. This funding level would enable FWS staff to return to what they do best: protecting, restoring, and enhancing America's wildlife and habitat, providing a haven for a growing list of threatened and endangered species, and guaranteeing a positive experience for more than 41 million annual visitors, whether hunting, fishing, watching wildlife, or learning from educational programs.

Prior to FY 2008, several years of appropriations failed to even cover increases in fixed costs. Simply to keep fuel in the trucks, pay for rising utilities and building rent, allow for salary adjustments, and cover other fixed costs, the Refuge System needs at least a \$15 million annual increase.

Many years of inadequate budgets have ballooned the Operations and Maintenance backlog to more than \$3.7 billion. While the appropriation for FY 2008 through FY 2010 helped immensely, too many visitors still show up to find roads and visitor centers closed, viewing platforms and hiking trails in disrepair, and habitat restoration and nature education programs eliminated.

Today, more than 35 percent of America's wildlife refuges have no on-site staff, leaving no one there to unlock the gates, teach the schoolchildren, or administer the hunting programs, let alone recover endangered species or perform major habitat restoration projects. Non-native, invasive plants have infested more than 2.3 million acres (only 14.6 percent of this acreage was treated in 2008). Further, a crippling deficiency of law enforcement officers has led to a rise in illegal activities such as drug production and trafficking, wildlife poaching, illegal border activity, assaults, and many types of natural resource violations. Currently, only 213 full-time law enforcement officers are tasked with responsibilities and risks that the International Association of Chiefs of Police suggests be tackled by a force of 845 professional officers.

When refuges are short-staffed, not only are activities *inside* refuge boundaries affected, but refuge employees are unable to devote sufficient attention to threats *beyond* refuge boundaries, such as water rights disputes, upstream contamination, or encroaching developments. Overworked staff cannot take advantage of land acquisition or easement opportunities, and conservation opportunities often slip away. When staff levels are reduced to only one or a few people per refuge, opportunities to partner with other interested stakeholders are lost, dramatically and adversely affecting volunteer involvement and the leveraging of additional dollars.

In addition to their integral role in American wildlife conservation, refuges are critically important on local and regional scales. Visitors in 2006 generated more than \$1.7 billion in sales to local economies, creating nearly 27,000 U.S. jobs and \$543 million in employment income. While these figures are undeniably significant, the Refuge System's potential remains largely untapped and unquantified. In addition to being local economic engines, the sustainable use of natural resources on America's refuges provides innumerable environmental benefits to communities. For example, many refuges in urban or suburban settings filter storm water before it runs downstream to municipal water supplies and, in many areas, reduce flooding by capturing excess rainwater and attenuating coastal storm surges. The vegetation on America's refuges captures atmospheric carbon, while natural filtration and sound water management promotes healthy fisheries within and beyond refuge boundaries.

Of increasing importance, national wildlife refuges provide a way for children to connect with the natural world. There is a refuge within an hour's drive of most metropolitan areas in the U.S. As today's children spend more time inside on computers, watching television, or playing video games, the need for a place to bring our younger generations to experience and explore the outdoors has never been more important. Many refuges work with local volunteer organizations such as "Friends groups" to provide environmental education programs to local schools, but they are often the first programs to be curtailed when budgets are tight.

In a nation with ever-shrinking natural areas, we must act quickly to safeguard our unique natural heritage for the benefit of wildlife and millions of present and future Americans. It was Theodore Roosevelt who reminded America that "our duty to the whole, including the unborn generations, bids us restrain an unprincipled present-day minority from wasting the heritage of these unborn generations." CARE agrees that 41 million annual visitors and all future generations deserve the opportunity to see and appreciate 150 million acres of the most visually stunning and biologically rich lands and waters in North America. Simply put, the way to ensure a future with clean water, thriving wildlife populations, and hunting and fishing opportunities is to increase the Refuge System's FY 2011 appropriation to \$578 million and continue the restoration of America's commitment to healthy public lands.

On behalf of our more than 15 million members and supporters, CARE thanks the Subcommittee for the opportunity to offer comments on the FY 2011 Interior Appropriations bill and extends our sincere appreciation for the Subcommittee's strong commitment to the National Wildlife Refuge System.

**WRITTEN TESTIMONY  
TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
March 19, 2010  
Submitted By  
Conrad Edwards, President, Council for Tribal Employment Rights**

The Native Construction Careers Institute (NCCI) is a unique partnership between Indian tribes and construction unions. Our mission is to create careers that provide good wages, fringe benefits, and pensions in the construction trades and other business sectors for Indians living on reservations, particularly those reservations that suffer from high unemployment. NCCI is a division of the Council for Tribal Employment Rights (CTER), a reservation- and community-based national non-profit corporation representing the interests of 300 Tribal Employment Rights Offices (TEROs). NCCI requests that the Subcommittee, as it did last year, increase the Bureau of Indian Affairs' Operation of Indian Programs budget line item by \$1 million and direct that these additional funds be used for "on-reservation construction worker training and related tribal-union activities designed to increase employment on Indian reservations".

NCCI was founded by CTER, the Building and Construction Trades Department (BCTD) of the AFL-CIO, and 14 national construction trade unions. Its Board of Advisors is comprised of the general presidents of those 14 unions, the executive board of CTER, and tribal leaders from around the country. I serve as chairman, Mark Ayers, the president of BCTD serves as vice-chairman.

We would like to thank this Subcommittee for its support in its FY 10 appropriations bill when it added \$1 million to the Operation of Indian Programs line item and designated that it be used for construction worker training for Indians. As described below, with those funds and funding provided in ARRA, NCCI has made major strides in strengthening the partnership between tribes and unions and in providing high quality, on-reservation training to Indians in the construction trades. We respectfully request that the Subcommittee again add \$1 million to this year's appropriation bill for on-reservation Indian construction worker training and related joint tribal-union activities. We would also like to express our appreciation to the former Chairman of this Subcommittee, the Honorable Norm Dicks, for participating in the September 30, 2009, launch of NCCI and for the supportive statements he made at that event.

When I testified before this Subcommittee last year, we were just piloting our unique approach to on-reservation training in partnership with labor unions. At that point, NCCI stood for Native Construction Careers Initiative. In the ensuing year, we have made great strides in institutionalizing and expanding this concept. In June we formally established the Native Construction Careers Institute. We intended to start small, with just CTER and four of the 14 construction unions that are members of the Building and Construction Trades Department of the AFL-CIO. However, when the other unions heard about it, they asked to join as founding members as well, so that all but one of those 14 unions are founding members.

In September we had a formal launch of NCCI at the Capital, with Chairman Dicks, Senator Dorgan, Assistant Secretary Oates from the Department of Labor and Assistant Secretary Echohawk participating, along with tribal officials and union presidents.

Since then, thanks to the funding provided by this Subcommittee, NCCI has accomplished more than we had ever thought possible in just one year. NCCI presently operates two different programs. The first, our training program, is designed to help Indians launch long-term careers in the construction trades. In 2010 we will provide NCCI training on 17 reservations, focusing both on building and road construction. The second, educating tribes and unions about the benefits of Tribal Project Labor Agreements, was established to create the ongoing reservation opportunities for the graduates of our training programs to work on union projects so they can achieve journeyman status, have steady paychecks, and qualify for health insurance and pensions. Contrary to a common belief that tribes and unions have an antagonistic relationship, five tribes have already expressed interest in entering into project labor agreements under our program, even though we have not yet even begun to publicize it. I will briefly discuss each of these programs.

#### A. The NCCI Training Program

Below is a description of the NCCI training approach.

1. **On-Reservation Training.** The training must be provided on the reservation on actual tribal projects at game speed. We believe on-reservation training has the highest success rate and ensures that the graduates will continue to work on or near their reservations, thereby enhancing the economy of their reservation.

2. **Union-Quality Training.** The training is provided by a union-recommended trainer who understands what the construction industry demands of its workers, though the trainees are not required to join the union to participate.

3. **Training Focused on Skills Needed for Available Jobs.** To get the trainees into the workforce quickly but also ensuring that they are successful at their first job, the training focuses on giving the trainees the specific skills they need to be qualified for jobs on a project that the TERO has identified as starting up soon after they complete their training. For example, on the Blackfeet Reservation, the TERO identified several large wind farm projects that would soon be starting near the reservations. These wind farms require a large number of concrete finishers to lay the foundations for the wind towers. NCCI provided the trainees with a 300-hour course in concrete finishing. The graduates received a certificate and were quickly hired by the wind farm contractors. This was two years ago and many of them are still working for those contractors.

4. **Immediate Placement Upon Graduation.** The trainees, upon graduation, are quickly placed on jobs for which they have been trained, through a joint effort by the TERO and the respective unions.

5. **Tribal Sovereignty.** NCCI will not begin a project on a reservation until the Tribal Council has enacted a resolution authorizing NCCI to operate on the reservation. This is done both out of respect for tribal sovereignty and recognition that projects cannot

succeed on reservations without the support and involvement of the elected tribal officials and other tribal resource programs.

**6. Coordination of Tribal Programs and Resources.** NCCI synergistically brings together the various tribal programs on the reservation to provide the trainees with the support they need to succeed. The TERO provides overall coordination, along with recruitment, screening, and placement upon graduation, the 477 or other job training program provides stipends and tools, social service programs provide transportation and day care, the housing authority provides building materials for the trainees' projects that involve renovation of houses. It has been inspiring to see how these different tribal programs have come together in a cooperative manner on every reservation on which NCCI has worked. We believe that this happens because all of them recognize how much sense the NCCI approach makes as a way of creating careers for their tribal members, while stretching tribal resources.

**7. Helping the Community.** The NCCI trainees learn through hands-on experience working on an actual project that will benefit the community when completed. As the Minot Daily News article describes, on the Fort Berthold Reservation, the NCCI program will be renovating an old indoor horse arena so it can be used year-round for equine assisted therapy, which has proven so successful in treating young Indians with emotional problems.

**8. Entrepreneurship.** If we are to increase Indian employment on reservations, we need to help Indians develop small businesses as well as become qualified workers. For this reason, we include an additional 100 hours in each of our NCCI program training programs for entrepreneurial training, teaching the trainees how to bid, estimate, order materials, etc. At the Spirit Lake Reservation, four of the graduates decided to set up their own subcontracting companies. One became a general contractor and three became subcontractors. Together they bid and won the contract to renovate the tribal offices and are now working on that project.

NCCI has completed NCCI training programs on the Blackfeet, Spirit Lake, Cheyenne River, and Wind River. On all of these projects the graduation rate and the placement rate have exceeded 90%. NCCI is now in the process of providing 17 similar training programs to tribes this year. On every reservation NCCI has gone to, it has generated the same enthusiasm and support from tribal leaders and workers as is described in the Minot article on the project on the Fort Berthold Reservation.

#### B. NCCI's Tribal Project Labor Agreement Program

The NCCI training program described above helps the trainee graduates get started in the construction industry. However, in order for them to develop construction careers that provide steady employment, health insurance and pensions, they will need the additional training and additional hours on union jobs to qualify as certified journeymen, which is the gold card in the construction industry. They will also need a way to obtain work off of the reservation when there is no work on it, and will need a way to have consistent health insurance and to build a pension that will permit a comfortable retirement.

The answer has two parts. First the workers need to join the union, since it pays for the training needed to become journeymen, issues journeyman certificates, and operates health insurance and pension programs for its members. But if the workers are going to be able to continue to live on the reservation, which most want to do, there also needs to be a steady supply of union work on the reservation.

The way to accomplish this is for tribes to consider making all or most of the construction projects on their reservations union projects by entering into Tribal Project Labor Agreements (TPLAs) with the unions. Project Labor Agreements (PLAs) are the standard agreement unions and either the owners or contractors on a building project enter into to make a project a union project, in return for no-strike and other commitments. President Obama has issued an Executive Order encouraging Federal agencies to enter into PLAs on large Federal projects.

Ten years ago, CTER and the Laborers Union jointly developed the Tribal Project Labor Agreements (TPLAs) approach that was modeled after PLAs but that recognized tribal sovereignty and Indian preference, required the unions to indenture interested Indians as apprentices and provide the classroom component of their apprenticeship program at a site on the reservation, and giving tribal members who did not want to join the union the right to opt out.

Under our TPLA project funded by the Department of the Interior, NCCI educates tribes about unions and TPLAs and assists interested tribes to negotiate TPLAs with the unions. NCCI also educates unions about tribes and educates the Federal agencies that award construction contracts or grants on reservations about TPLAs, so they will be responsive if a tribe requests that a Federal or Federally funded project on its reservation be carried out under a TPLA. While our TPLA project is just getting started, we have already been approached by five tribes interested in entering into TPLAs with their local unions. We expect to be able to share the successful implementation of TPLAs on these and other reservations when we testify before you next year.

Summary and Request – NCCI is an initiative that creates careers for Indians, strengthens tribal sovereignty and builds partnerships between tribes and America’s construction unions. NCCI would like to expand its successful efforts so it can serve additional tribes in FY 11 and so it can explore new ways tribes and unions can work together to promote Indian job creation. We therefore request that the Subcommittee again add \$1 million to the Operation of Indian Programs budget line item in FY 11 and designate those funds for “on-reservation Indian construction worker training and related joint tribal-union reservation-based activities designed to increase Indian employment.

Thank you for this opportunity to testify and for your continued support.



Council of Western State Foresters (CWSF)  
 Arthur 'Butch' Blazer  
 New Mexico State Forester and  
 CWSF Chair

House Committee on Appropriations  
 Subcommittee on Interior, Environment, and Related Agencies  
**Written Public Testimony on Fire Funding**  
 March 19, 2009

Please accept this testimony on behalf of the Council of Western State Foresters (CWSF). The CWSF is comprised of the seventeen State Foresters and six Territorial Foresters in the Western U.S. The mission of the CWSF is to promote science-based forest management that serves the values of society and ensures the health and sustainability of western forests.

**Request**

We request the members of the House Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies reaffirm their commitment to the USDA Forest Service (Forest Service) and Department of the Interior (DOI) FLAME funds and ensure they are funded at appropriate levels that would cover the cost of emergency fires and eliminate the need to transfer funds from non-fire programs. The CWSF recommends that rather than creating four separate accounts for 'emergency' wildland fire suppression activities as proposed in the President's FY2011 budget, the proposed funding in the Forest Service and DOI contingency reserve accounts be transferred to their respective FLAME funds. Additionally, Congress must continue to encourage the Forest Service of the need to replace the 10-year rolling average estimate with a more predictive statistical modeling approach for calculating emergency and annual suppression estimates.

We are encouraged to see the Administration's attention to this important issue and a commitment to find a solution. However, the current budget proposal creates an obstacle to the progress thus far. The President's budget proposal for FY2011 includes not only the FLAME Funds for each of the agencies but also a Wildland Fire Contingency Reserve for each agency, as referenced above. These Reserves are accessible only after the 'regular' suppression dollars and the FLAME Funds have been exhausted and require a Presidential declaration to be accessed. These Contingency Reserves are duplicative of the FLAME funds and take away from the potential of what the FLAME funds were intended to do. The FLAME Act already addresses the funding issue by partitioning the wildland fire suppression account and detailing how the accounts should be funded and managed. Funding for the Contingency Reserves should instead be included in the FLAME funds and spent using the congressionally-approved process established in the FLAME Act.

**Background**

The CWSF is a member of the Partner Caucus on Fire Suppression Spending Solutions (Partner Caucus) – a unique and diverse group of organizations dedicated to finding a new, improved mechanism for funding emergency fire suppression activities for the Forest Service and DOI land management agencies. Assembled in early 2009, the Partner Caucus includes leading industry, environmental, outdoor recreation, and forestry organizations that all recognize the

Written Public Testimony on Fire Funding  
Council of Western State Foresters  
Page 2

urgency of this problem. Attached to this testimony is the Partner Caucus' principles and recommendations document that includes a complete list of supportive organizations. The Partner Caucus was created to bring attention to the imperative need to release the stranglehold that emergency suppression costs are having on the agencies' budget and programs, and the resulting negative economic and environmental impacts.

As a result of the Partner Caucus' outreach and work on this issue, in 2009 Congress passed the Federal Land Assistance, Management and Enhancement Act (FLAME Act), established two funds, one for the Forest Service and another for DOI. Congress included specific instructions that FLAME should be funded with improved estimates and not at the expense of other agency programs. In FY2010, the Forest Service received \$413 million and DOI received \$75 million for their respective FLAME funds.

**Summary**

We are grateful for the commitment to address the increasing cost of fire suppression and the impacts on important non-fire programs. The CWSF supports whole and healthy FLAME Funds for the Forest Service and DOI coupled with adequately funded suppression budgets as important components of the solution to our nation's fire suppression funding problem.

Sincerely,

Arthur 'Butch' Blazer  
New Mexico State Forester and  
Council of Western State Foresters, Chair

**Testimony of Deb Yandala, CEO of Cuyahoga Valley National Park Association  
In Support of Land and Water Conservation Fund funding  
At Cuyahoga Valley National Park, Ohio  
National Park Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of acquiring land at Cuyahoga Valley National Park in Ohio. An appropriation of \$5.275 million is needed in FY 2011 from the Land and Water Conservation Fund in order for the National Park Service to acquire the remaining phase of the 580-acre Blossom property. The Administration's budget for this year, recognizing the national significance of this land protection effort at Cuyahoga Valley National Park, includes an LWCF recommendation for the Park of \$6.82 million. This will permit the protection of the Blossom acquisition as well as several other Cuyahoga Valley National Park inholdings.

Located between Cleveland and Akron, the Cuyahoga Valley National Park conserves the Cuyahoga River valley and the associated historic canal and railroad corridors in Summit and Cuyahoga counties. The park is a major year-round outdoor recreation attraction in northeastern Ohio. More than 2.8 million people visited Cuyahoga Valley in 2008, making it the sixth most visited National Park in America and the single most visited NPS site in the Midwest. Native Americans named the river Cuyahoga, or "crooked river," aptly describing the river's serpentine meanderings as it flows northwards beneath bluffs towards Lake Erie. The conserved forests, farmlands, and wetlands within the national park offer visitors a remarkable array of outdoor recreation, wildlife-viewing opportunities, and spectacular scenery including peaceful creeks, waterfalls, open prairie, and dense hardwood forests, all within easy access of a major metropolitan area.

In FY11, the National Park Service has the opportunity to complete the acquisition (begun in FY 2010) of the 580-acre Blossom property, the top-priority inholding at Cuyahoga Valley National Park. The acquisition is crucial due to its location, natural and scenic resources, and likelihood of significant development if not protected. The Blossom tract is currently owned by the Cleveland Orchestra/Musical Arts Association (MAA) as part of the renowned 780-acre Blossom Music Center, a vital and exceedingly popular performing arts destination for residents of the Cleveland area and beyond. MAA is an important cultural presence in the area; in order to sustain the many public-benefit programs MAA and the Orchestra provide to the community in the face of significant financial challenges, it now must monetize the bulk of this key asset. MAA agreed last year to make 580 park-quality acres surrounding its facilities available for

acquisition by the National Park Service, and Congress responded by providing \$4 million to begin the purchase in FY 2010. Requested funding in FY 2011 will allow the completion of the project so that MAA can set aside all other plans regarding these highly developable lands.

As a large inholding, the acquisition of the Blossom tract would greatly benefit efforts to protect forest and water resources in the southern section of the national park. A mature forest covers most of the property, and its addition to the park will create 1,200 acres of unfragmented and protected forestlands. This acreage, combined with other nearby blocks of protected forest, forms a 5,000-acre forest ecosystem, the largest in the national park. This network of forestlands provides unparalleled habitat for a high diversity of species and particularly for important nesting and feeding areas for bird and other species most sensitive to habitat disturbance. Along these lines, the Blossom land is one of just two sites in the entire park that host cerulean warbler, black and white warbler, veery, and other bird species that are in decline nationally. Such rich forest communities are increasingly rare in northeastern Ohio.

The Blossom property is key to improving water quality protection in the Cuyahoga Valley. Three distinct watersheds drain the Blossom land (Robinson Run, Adam Run, and an unnamed creek). These creeks provide many high-quality coldwater stream habitats that in turn support diverse fish populations and a broad spectrum of other sensitive species. Unlike many other tributaries of the Cuyahoga, these creeks have remained healthy and intact, mostly in part because of their location at the heart of the larger forest ecosystem. The Blossom tract therefore presents what likely is the best remaining watershed protection opportunity in the park.

Recreational opportunities surround the inholding and will be enhanced by acquisition of the trails, creek corridors, and woodlands of the Blossom lands. Just across the Cuyahoga River to the west are the popular Hunt Farm Visitor Information Center, a boarding station on the Cuyahoga Valley Scenic Railroad, the Ira trailhead on the Ohio & Erie Canal Towpath Trail, and the Beaver Marsh wetland area. Just to the south of the property is the 278-acre Hampton Hills Metropark, managed by Summit County, featuring its own hiking trails, soccer fields, picnic grounds, and natural areas.

Acquisition of the Blossom property by the National Park Service would be a signature accomplishment in the history of the park and in the complement of public resources here. As noted before, Congress approved a \$4 million appropriation in FY 2010 to commence the project. In order to complete the protection of these lands, an appropriation of \$5.275 million from the Land and Water Conservation Fund directed to the Cuyahoga Valley National Park is needed in FY 2011.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving

wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Ohio, and I appreciate your consideration of this funding request.



Written Statement of  
**Andrea Snyder, executive director, Dance/USA**

**Subcommittee on Interior, Environment, and Related Agencies**  
 Committee on Appropriations United States House of Representatives

**The Importance of Funding for the National Endowment for the Arts (NEA)**  
 March 19, 2010

Mr. Chairman and distinguished members of the subcommittee, Dance/USA is grateful for this opportunity to submit testimony on behalf of our members across the United States. **We urge the Committee to designate a total of \$180 million to the National Endowment for the Arts (NEA) for FY11.** This testimony is intended to highlight the importance of the federal investment in the arts to sustaining a vibrant cultural community and to our national character.

Dance/USA, the national service organization for not-for-profit professional dance, believes that dance is essential to a healthy society, demonstrating the infinite possibilities for human expression and potential, and facilitating communication within and across cultures. Dance/USA sustains and advances professional dance by addressing the needs, concerns, and interests of artists, administrators, and organizations. By providing services and national leadership, Dance/USA enhances the infrastructure for dance creation, education and dissemination. To fulfill its mission, Dance/USA offers a variety of programs, including data research and regional professional development, and works with organizations within and outside the arts field with whom common goals are shared. Dance/USA's membership currently consists of over 460 ballet, modern, ethnic, jazz, culturally specific, traditional and tap companies, dance service and presenting organizations, artist managers, individuals, and other organizations nationally and internationally. Dance/USA's member companies range in size from operating budgets of under \$100,000 to over \$50 million.

The NEA makes it possible for everyone to enjoy and benefit from the performing arts. Before the establishment of the NEA in 1965, the arts were limited mostly to a few big cities. The Arts Endowment has helped to strengthen regional theater, opera, ballet and other artistic disciplines that Americans now enjoy. NEA funding provides access to the arts in regions with histories of inaccessibility due to economic or geographic limitations. The Endowment embodies the ideal that no one should be deprived of the opportunity to have art in their lives. The Arts Endowment has helped the arts become accessible to more Americans, which in turn has increased public participation in the arts.

Despite diminished resources, the NEA awards more than 1,000 grants annually, to nonprofit arts organizations for projects that encourage artistic creativity. These grants help nurture the growth and artistic excellence of thousands of arts organizations and artists in every corner of the

country. NEA grants also preserve and enhance our nation's diverse cultural heritage. The modest public investment in the nation's cultural life results in both new and classic works of art reaching the residents of all 50 states.

NEA grants are instrumental in leveraging private funding. On average, each NEA grant generates at least eight dollars from other sources. Government cultural funding plays a catalytic leadership role that is essential in generating private support for the arts.

**The NEA is a great investment in the economic growth of every community.**

The return of the federal government's small investment in the arts is striking.

The nonprofit arts industry generates \$166.2 billion annually in economic activity, supports 5.7 million full-time equivalent jobs, and returns \$12.6 billion to the federal government in income taxes. Measured against direct federal cultural spending of about \$1.4 billion, that's a return of nearly nine to one. Few other federal investments realize such economic benefits, not to mention the intangible benefits that only the arts make possible. Even in the face of tremendous cutbacks in recent years, the NEA continues to be a beacon for arts organizations across the country.

**NEA Grants at Work**

NEA grants are awarded to dance organizations through its core programs: Access to Artistic Excellence; Federal/State Partnerships; and Learning in the Arts. The following are some examples of the impact of NEA funding on dance programs from the NEA's 2010 Access to Artistic Excellence Program:

**American Dance Festival, Inc.**

Durham, NC

\$70,000

To support *What is Dance Theater?*, a series that will include works that blur the line between dance and theater. American Dance Festival will present a variety of American and international companies as well as commissioned new works.

**American Tap Dance Foundation, Inc.**

New York, NY

\$15,000

To support *Tap City*, an annual summer tap festival. The festival offers training, education, special events, and performances.

**Ballet Concierto de Puerto Rico**

San Juan, PR

\$10,000

To support an island tour as part of the company's 30th anniversary. The company will offer performances and outreach activities in rural communities across Puerto Rico.

**Dance Saint Louis**

St. Louis, MO

\$25,000

To support presentation of the River North Chicago Dance Company, Aszure Barton & Artists,

and Giordano Jazz Dance Chicago. Performances will be presented at the Touhill Performing Arts Center on the University of Missouri-St. Louis campus.

**Houston Ballet Foundation**

Houston, TX

\$50,000

To support the presentation of George Balanchine's *Ballo della Regina* and the world premiere of a new work by Houston Ballet associate choreographer Christopher Bruce. The ballets will be performed at the Wortham Theater Center.

**Jacob's Pillow Dance Festival, Inc.**

Becket, MA

\$90,000

To support residencies and performances of dance companies. The project will include a Creative Development Residency, presentation of national and international dance companies, and audience engagement and educational programs.

**Spectrum Dance Theater**

Seattle, WA

\$15,000

To support the development and presentation of FAREWELL: A Fantastical Contemplation on America's Relationship with China. Through text, music, and movement, the project will explore critical human rights and social justice issues involving the United States and China.

**The Non-Profit Professional Dance Community**

America's dance companies perform a wide range of styles and genres. These include both classical and contemporary ballet, classical and contemporary modern, as well as jazz, tap, cross-disciplinary fusions and traditional to modern work rooted in other cultures. Over two-thirds of America's professional dance companies are less than 45 years old; as an established art form with national identity and presence, dance has burst onto the scene almost entirely within living memory. And, yet, America can boast some of the greatest dance companies of the world and can take credit for birthing two indigenous dance styles – tap and modern dance.

One key to this spectacular achievement has been the creation of a national marketplace for dance. When the National Endowment for the Arts instituted its Dance Touring Program in the 1970's, great dance became accessible to every community in America. What used to be a handful of professional companies and a scattering of "regional" dance has become a national treasure spread across cities and through communities, schools and theaters in all 50 states. There are now over 600 professional dance companies in America as well as over 1,000 pre-professional and semi-professional groups. Based on recent surveys, Dance/USA estimates that the 145 largest and most visible non-profit dance companies in the United States do the following:

- Employed over 7,000 people in a mix of full-time and part-time positions;
- Performed for total home audiences of nearly 4.0 million people;
- Paid approximately \$321.4 million in wages and benefits;



- Had operating expense budgets totaling \$535.6 million.
- Earned \$192.2 million, or 37% of their income, from performances.
- Earned \$109.5 million from sales, tuitions, investments, rentals, and activities other than performances, representing 22% of total income.
- Received \$10.4 million from state, local, and government contributions, representing only 2% of total income.
- Received \$9.9 million from corporate contributions. This is slightly less than 2% of total income.
- Received \$77.9 million from private foundations, representing 15% of total income.
- Received \$119.5 million from individual contributions through donations, benefit events, United Arts programs, guilds, galas and other individual sources. This represents 23% of total income.

**Conclusion**

Despite overwhelming support by the American public for spending federal tax dollars in support of the arts, the NEA has never recovered from a 40% budget cut in the mid-nineties, and its programs are seriously underfunded. Dance/USA and other performing arts service organizations work hard each year to strengthen support for the NEA in Congress. As the NEA banner underscores, "a great nation deserves great art." In order for there to be great art, organizations need stronger infrastructure and stability. **Therefore, we urge you to increase the FY11 NEA funding allocation to \$180 million.**

On behalf of Dance/USA, thank you for considering this request.

**Dance/USA  
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**TESTIMONY OF MARY BETH BEETHAM**  
**DIRECTOR OF LEGISLATIVE AFFAIRS, DEFENDERS OF WILDLIFE**  
**HOUSE COMMITTEE ON APPROPRIATIONS**  
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**  
**PUBLIC WITNESS HEARING: MARCH 26, 2010**

Mister Chairman, Ranking Member and Members of the subcommittee, thank you for the opportunity to testify. I am Mary Beth Beetham, Director of Legislative Affairs for Defenders of Wildlife. Founded in 1947, Defenders has more than one million members and supporters and is dedicated to the conservation of wild animals and plants in their natural communities.

Defenders understands the sober fiscal realities, and, in general, we are very pleased with several of the high priority initiatives in the president's budget, including: 1) the continued emphasis on assisting wildlife and ecosystems in surviving the impacts of climate change and providing the necessary science; 2) the recognition of the importance of landscape level conservation; and 3) the commitment to reach full funding for the Land and Water Conservation Fund. However, while the Department of the Interior (DOI) is moving ahead with praiseworthy initiatives to coordinate their work in addressing the impacts of climate change, it still is unclear how different efforts underway within the Department, individual agencies, and the Council on Environmental Quality will result in a comprehensive national strategy across all federal departments and agencies in coordination with States, Tribes, and other stakeholders to assist fish, wildlife, plants and natural systems in adapting to climate change, as directed in both the final FY09 and FY10 Interior appropriations conference reports. We continue to be deeply grateful for the subcommittee's leadership on climate change, and we ask that you maintain your excellent efforts on this critically important issue, including working with the administration to ensure progress in developing the national strategy.

However, we also are troubled by certain aspects of the request. In particular, we have deep concerns about the agency operating accounts, as they are the critical foundation on which rests the agencies' abilities to meet their missions and implement the administration's highest priority initiatives. The unfortunate failure to, at minimum, meet fixed costs for the agencies will further erode base programs, even more dramatically compromising their status about which Congress has previously expressed concern. We also are concerned about specific aspects of the allocation of Land and Water Conservation Fund dollars, and, potentially, with some of the policy implications of the "New Energy Frontier Initiative" and with the reorganization of the Forest Service budget.

We urge the subcommittee to continue to rebuild the Fish and Wildlife Service (FWS), our nation's premier wildlife conservation agency. We strongly support the following increases:

- To continue progress in addressing the impacts of climate change on wildlife and ecosystems, a total of \$40 million for Climate Change Adaptive Science Capacity, an increase of \$20 million over FY10 that will allow needed progress in the effort to build more than 20 Landscape Conservation Cooperatives across the country. In developing the Cooperatives, it is important that the agency communicate in a timely and comprehensive manner with their own staff and with the many external partners about what these new partnerships are, how partners can participate, and how these are additive to existing partnerships.
- To address the needs of our nation's most vulnerable plants and animals, a total of \$217 million for the endangered species operating accounts, an increase of \$37.7 million over FY10, allocated as follows: \$15 million for Candidate Conservation, an increase of \$2.4 million; \$32 million for

Testimony of M. Beetham, Defenders of Wildlife  
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Listing, an increase of \$9.9 million; \$95 million for Recovery, an increase of \$9.7 million; and \$75 million for Consultation, an increase of \$15.7 million. We are deeply concerned that the request was essentially flat and even reduced in for Listing. Increases are needed for addressing the backlog of 249 domestic and 20 foreign candidate species awaiting protection under the Endangered Species Act, for restoring a 16 percent staffing shortfall in the Recovery program, for addressing concerns about tracking species under the Consultation program and for updating Habitat Conservation Plans to incorporate climate change into existing long-term permits. We also are concerned about the decreases for the Wolf Livestock Loss Demonstration program and for White Nose Syndrome and ask that funding be restored.

- To continue efforts to restore the integrity of the National Wildlife Refuge System, a total of \$578.3 million, an increase of \$75 million over FY10 as recommended by the diverse coalition of 23 organizations in the Cooperative Alliance for Refuge Enhancement. Defenders is concerned about the \$3.3 million decrease, an effective \$18.3 million cut, since an increase of at least \$15 million each year is needed to keep pace with fixed costs and to have adequate management capability. We appreciate the \$8 million requested increase for inventory and monitoring needed to manage for climate change, however, the amount is not a net increase. FWS also must ensure that new inventory and monitoring efforts are integrated with existing programs of other federal agencies and non federal entities to avoid duplication and to allow for easy information sharing.
- To restore the mission critical Office of Law Enforcement, a total of \$77 million, an increase of \$11.2 million, to support hiring, training and equipping 24 special agents, 10 additional port inspectors, and 4 of 12 critically needed forensics scientists. The special agent force is still 23 percent below the authorized number of 261 and Defenders is extremely disappointed that the request included a decrease of \$2.5 million, including \$2 million that was specifically added in FY10 for special agents. We also recommend report language directing the agency develop a plan to increase the special agent force to, and maintain it at, the authorized level.
- To build the International Affairs program, a total of \$22 million, an increase of \$7.6 million over the FY10 level. The request included a 9 percent decrease in this very modest program. Even at current funding, International Affairs lacks resources to implement most international treaties and agreements the U.S. is involved in; to address emerging problems at the global level such as human-wildlife conflict, wildlife disease, and invasive species; to address the growing permitting, research, and monitoring workload, including the effort FWS is undertaking on species native to the U.S; and other crucial needs.
- To support the Migratory Bird Management program, a total of \$68.5 million, an increase of \$14 million over FY10. The request cut Migratory Bird Management by \$1.7 million, yet increases are needed to continue development and implementation of plans for 139 focal species of highest conservation need, to cover critical gaps in inventory and monitoring, and for the innovative Urban Conservation Treaties for Migratory Birds.
- For critical grant programs, \$115 million for State and Tribal Wildlife Grants, an increase of \$25 million; \$100 million for the Cooperative Endangered Species Fund, an increase of \$15 million; \$6.5 million for the Neotropical Migratory Bird Conservation Fund, an increase of \$1.5 million; and \$18 million for the Multinational Species Conservation Fund, an increase of \$6.5 million.

The multiple-use lands of the Bureau of Land Management (BLM) and the U.S. Forest Service (FS) are becoming increasingly crucial to the conservation of wildlife and habitat in the United States, yet their resources are not adequate to meet significant challenges. While Defenders supports the administration's efforts to move toward a clean energy economy, it must proceed in a balanced way that ensures the ability to maintain sustainable wildlife populations. We were extremely pleased that

Testimony of M. Beetham, Defenders of Wildlife  
Page 3 of 4

the FY10 conference report directed the Department of the Interior and the Forest Service to submit a comprehensive review on siting and coordination of renewable energy projects. We urge continued strong oversight to ensure that any energy development is done in an environmentally sensitive fashion. And given the overriding challenge posed by climate change, it is imperative that both agencies have clear climate change adaptation and restoration policies and incorporate these considerations into any energy development plans.

Defenders supports the stated goals of the Integrated Resource Restoration (IRR) initiative to move to a restoration and resiliency based approach to forest management. However, the success of any such effort – and beneficial rather than harmful outcomes – will depend on establishment of science-based management objectives and dedicated support for planning, assessment, and monitoring. It is not clear from the budget that such requirements have been taken into consideration. In particular, given the merging of Wildlife and Fisheries Habitat Management into IRR and elimination of its output measures, we are concerned about the adequacy of wildlife diversity objectives in this new proposal. Moreover, the agency currently is developing new National Forest Management Act (NFMA) planning regulations – an effective planning rule is necessary to ensure proper implementation of any integrated program. We urge the subcommittee to work with the administration to ensure a strong policy and regulatory framework before IRR is allowed to move forward. We will be following up with more detailed recommendations.

We recommend the following funding for BLM and FS programs:

- For BLM Climate Change Adaptation, we support the request of \$17.5 million, an increase of \$2.5 million over FY10. However, as was the case in FY10, it is again proposed for funding under the Soil, Water, and Air subactivity. Since the stated focus of this funding primarily is to assist native plant and animal communities in adapting to climate change, consideration should be given to funding this initiative through the wildlife and fish budget activities.
- For BLM Wildlife and Fisheries Management, a total of \$65.4 million, an increase of \$15 million over FY10 and for BLM Threatened and Endangered Species Management, a total of \$32.6 million, an increase of \$10 million. Defenders is extremely disappointed that these two activities were cut by a combined total of more than \$2 million, especially given the dire status of the sage grouse and the need for proactive conservation actions in the face of expanded renewable energy development. Moreover, reports are that the practice continues of inappropriately diverting at least 30 percent of funding to compliance activities of energy and other non-related programs. Consideration should be given to directing the Government Accounting Office or a reputable outside entity knowledgeable in natural resource management to review this problem and make recommendations to resolve it.
- For the BLM Challenge Cost Share (CCS) program, a total of \$19.5 million, an increase of \$10 million directed to wildlife. Defenders is extremely disappointed in the decision to eliminate this program, that, given the diversion of resources from wildlife programs accomplishes much of the agency's proactive wildlife and habitat conservation work.
- For BLM Resource Management Planning, a total of \$55 million, an increase of \$5 million over FY10. We are quite concerned about the \$8.2 million decrease in the request. As is the case with the wildlife activities, failure to invest in planning sets the BLM up for less than optimal results in energy development and adaptation policy implementation.
- For BLM's Land and Realty Management subactivity, we support the requested \$3 million increase to support site specific National Environmental Policy Assessments for renewable energy projects.

Testimony of M. Beetham, Defenders of Wildlife  
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- For FS Land Management Planning, \$80 million, an increase of \$34.1 million over FY10 and for FS Inventory and Monitoring, \$180.5 million, an increase of \$10 million. Defenders was concerned that these requests were flat. Given the new IRR proposal, parallel commitments are required to move toward a restoration and sustainability agenda. Moreover, robust Land Management Planning funding, which has declined by more than 40 percent since 2001, is needed to support the ongoing NFMA rulemaking process.
- Given the IRR proposal, it is not clear if the separate Wildlife and Fisheries Habitat Management line item will still exist, however regardless of whether there is a separate or combined line item, Defenders supports a total of at least \$163 million for Wildlife and Fish output measures, a \$20 million increase over the FY10 level that was still nearly \$15 million below the 2001 inflation adjusted level. The program has lost 15 percent of its scientists since 2003 and Defenders is greatly concerned about the loss of biological capability in the agency.
- For FS Forest and Rangeland Research R&D programs, \$265.1 million, an increase of \$20 million over FY10 that includes a total of \$41.9 million for Climate Change Research and \$37.1 million for Fish and Wildlife R&D. Defenders is concerned about the \$5 million reduction for Climate Change Research in the request.

The US Geological Survey through its Biological Research Discipline (BRD) and National Climate Change and Wildlife Science Center supports the basic science necessary for conservation of fish, wildlife and habitat. To provide adequate science support, we urge the following increases:

- For the National Climate Change and Wildlife Science Center, \$27 million, an increase of \$12 million over FY10. We thank the subcommittee for its past strong support, including the strong direction to the administration in the FY10 conference report that the future identity and activities of the Center remain distinct and accountable in the overarching DOI climate change adaptation effort and urge that strong support and oversight continue. We appreciate the administration's requested increase of \$8 million; however we believe that a larger increase is needed to move more quickly in establishing planned regional centers across the country.
- For the BRD Research and Monitoring Program, a total of \$170 million, an increase of \$9.3 million above FY10, which includes a \$5 million increase to support Landscape Conservation Cooperatives, and for BRD Cooperative Research Units, \$22.5 million, an increase of \$3.2 million. We have concerns about the \$3.6 million net decrease for BRD in the request, but we appreciate the increases for FWS/NPS/BLM science support (\$4 million), in particular the \$1 million for BLM, the first time specific science support funding has been requested for BLM.

We urge the subcommittee to continue restoration of the Land and Water Conservation Fund (LWCF) at a total of \$600 million, \$425 million for federal LWCF and \$175 million for stateside. We are pleased at the significant increases in the request, but are concerned that a substantial portion is being directed to two other programs.

Finally, we deeply appreciate the subcommittee's continued attention to the impacts of illegal immigration and related enforcement on sensitive land and wildlife resources along the Southwest border, and we urge continued oversight, funding and opposition to related riders hindering land management agency operations. In addition, we urge the subcommittee to work with the Department of Homeland Security (DHS) appropriations subcommittee to ensure that DHS provides funding to mitigate for any impacts from border security infrastructure, including the as yet unfulfilled commitment of \$50 million in FY09 funds and \$40 million in FY10 funds.

**Testimony of Deschutes Chapter of Trout Unlimited  
In Support of Land and Water Conservation Fund funding  
At the Crooked National Wild and Scenic River, Oregon  
Bureau of Land Management  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of acquiring land along the Crooked National Wild and Scenic River in Oregon. An appropriation of \$1.2 million is needed in FY 2011 from the Land and Water Conservation Fund in order for the Bureau of Land Management to acquire the 101-acre Crooked River Canyon inholding. In a demonstration of the importance of this acquisition, the \$1.2 million amount was included in the President's Budget request for FY 2011.

On behalf of the Upper Deschutes Home Rivers Initiative and the Deschutes Chapter of Trout Unlimited, thank you for your time and interest in protecting our unique rivers and canyons here in Central Oregon. We are a national organization with over 400 local members who support conservation and restoration of native fish habitat in the Upper Deschutes river basin. Trout Unlimited supports projects for our community and watershed which combine volunteers, staff support, and outside grant funds to care for our local and shared natural resources. We couldn't imagine living and working in a better place, and we hope congress can help preserve our natural heritage.

The Wild and Scenic Rivers Act celebrated its 40th Anniversary in 2008. The act, championed by Senator Frank Church and signed into law by President Lyndon Johnson on October 2, 1968, protects the free-flowing waters of many of our nation's most spectacular rivers. The act is notable for safeguarding the special character of these rivers, while also recognizing the potential for appropriate use and development. These living landscapes are uniquely managed to protect the public's enjoyment of these heritage resources for present and future generations. The managing agencies also try to accommodate and reflect community and landowner interests. Every designation preserves a sliver of traditional American experiences that are important to local communities, such as fishing and boating in waters our nation's forefathers would have recognized and enjoyed. Oregon enjoys a reputation for some of the greatest river ecosystems and river recreation in the country. Many of these rivers are currently protected under the Wild and Scenic Rivers Act.

Located in Jefferson County near the city of Terrebonne, OR, and available for acquisition by the Bureau of Land Management (BLM) in FY 2011, is the 101-acre Crooked River Canyon property. The Crooked River is a nationally designated wild and

scenic river which runs through the high desert in central Oregon and provides remote recreational opportunities including fishing, whitewater boating, wildlife viewing, and stunning scenic views. Because of the influx of cold ground spring water through the canyon walls, the river is home to unique ecosystems of lush gardens of plants rare to central Oregon's arid climate. Near one of the fastest growing areas in the United States, the Crooked River is a major tributary of the Deschutes River and in years of high water has attracted whitewater boaters from Oregon, Idaho, and Washington. Juniper trees and big sagebrush are part of the spectacular scenery along the narrow, meandering, dry canyon riddled with rock outcrops and lined by cliffs. Shaded ledges on rock cliffs provide spring nesting sites for prairie falcon, bald eagle, golden eagle, red-tailed hawk, and other raptors along with the ash-throated flycatcher, gray flycatcher, and Western kingbird.

Despite the fact that this river is nationally designated, there is very limited public access. All points where the river is easily accessible are privately owned, making it very difficult for the public to enjoy this resource. The Crooked River Canyon property is one of the few areas where public access is available, but it is currently for sale and threatened with development. The Crooked River Canyon parcel contains the "outstandingly remarkable" scenic and recreational values that led Congress to designate the Lower Crooked River as a part of the national wild and scenic river system in 1988. Approximately a mile and a half of the river flows through this property, which encompasses steep walls of the gorge and unique high desert scenery. Among supporters of public ownership of the Crooked River Canyon property are American Whitewater, representing approximately 80,000 whitewater paddlers across the nation, American Rivers, the Wilderness Society, and the Oregon Natural Desert Association.

An FY 2011 BLM appropriation of \$1.2 million from the Land and Water Conservation Fund for acquisition of this property would preserve the scenic qualities of the gorge and permanently protect public access to this section of the Crooked River.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Oregon, and I appreciate your consideration of this funding request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ted Brownrigg', with a stylized, sweeping flourish at the end.

Ted Brownrigg  
President, Deschutes Chapter  
Trout Unlimited  
P.O. Box 2090  
Bend, Oregon, 97709

A handwritten signature in black ink, appearing to read 'Darek Staab', with a stylized, sweeping flourish at the end.

Darek Staab  
Project Manager  
Upper Deschutes Home Rivers Initiative  
Trout Unlimited



**The Environmental Council of the States**  
 Testimony before the  
 Subcommittee on Interior, Environment and Related Agencies  
 U.S. EPA 2011 Budget  
 March 19, 2010

Testimony from:

R. Steven Brown, Executive Director  
 Environmental Council of the States  
 444 North Capitol St, NW Suite 445  
 Washington, DC 20001  
 202-624-3667  
[sbrown@ecos.org](mailto:sbrown@ecos.org)

on behalf of the Environmental Council of the States (ECOS). The Environmental Council of the States (ECOS) is the national non-profit, non-partisan association of state and territorial environmental agency leaders.

Summary

The States' environmental agencies collectively support the President's 2011 State and Tribal Assistance Grants (STAG) budget request, and specifically support the Categorical Grants portion of that request, with the exception that we believe the Public Water System Supervision (PWSS) grant should be provided the same increase as the Clean Water Act 106 grant.

Testimony

The States are integral partners and co-regulators with the U.S. Environmental Protection Agency (EPA) in the implementation of the nation's environmental laws. States conduct on EPA's behalf most of the permitting, enforcement, inspections, monitoring, and data collection required by those federal environmental laws. In this document, the States' environmental agencies respectfully submit their collective comments on the 2011 budget proposal for the categorical grants portion of the U.S. Environmental Protection Agency's budget that supports states, tribes, and local governments, known as the State and Tribal Assistance Grants (STAG).

In the period 2004-2009, federal support for State environmental protection declined. With the passage of the American Recovery and Reinvestment Act (ARRA) and the 2010 budget, this trend reversed for the infrastructure portions of the EPA budget. States committed 100% of the safe drinking water and clean water ARRA funds within the time allotted, and exceeded the minimum requirements for expenditures on green infrastructure projects. We are grateful to Congress for the funding and proud of the States' achievements in quickly committing the infrastructure funds to important projects. We expect an excellent return in terms of both jobs and environmental compliance as a result of this investment.

However, another portion of the federal support for States has not been so fortunate. States rely on the "categorical grants" portion of the EPA STAG budget for support for the delegated and assumed programs. There are 20 categorical grants that cover the many environmental protection

programs that States conduct in partnership with EPA. During the three-year period 2007-2009, EPA promulgated 305 new or modified rules, for which essentially no additional funding was provided to the States. In addition, EPA continues to plan about 100 more new rules under development that will affect States<sup>1</sup>. Many of these affect States because EPA expects States to implement them and, therefore, they carry an additional workload. Some of these may carry an especially heavy cost burden as well. For example, EPA listed five of these rules as having “federalism implications” in 2009:

2020-AA47 NPDES Program Management Information Rulemaking  
 2040-AD39 Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II  
 2040-AA94 National Primary Drinking Water Regulations: Radon  
 2050-AE81 Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers  
 2070-AC64 Lead-Based Paint Activities;

These rules are in various stages of development, and there are others that have not yet been so designated that will no doubt be listed by the time the 2011 budget goes into effect. There are also other rules and policies that are not listed above that States believe will have equal or greater impact on their environmental agency budgets because they are new, are major modifications, or because they regulate previously unregulated industries.

The primary concern of the States is that the number and complexity of new rules is arriving at a time when State resources are at their lowest in years. States are not opposing these rules, and may often be eager to implement them, but there is great concern among state environmental agency leaders about the resources being provided to accomplish these tasks.

EPA has reported that “for every dollar EPA Obligates, states contribute approximately 22 cents, which results in states, contributing 18% of the project cost.”<sup>2</sup> This conclusion is based on the *minimum* match requirements for categorical and infrastructure grants. However, for the largest categorical grants (e.g., 106, clean air, etc.), States greatly “overmatch” the federal grant, which EPA’s report does not take into account. Therefore, we find that in a typical State, 20-30% of the total categorical funding comes from EPA. The rest comes mostly from permit fees and state general funds<sup>3</sup>. State environmental agencies have lost a substantial amount of their funding from non-federal sources over the past year, with many states reducing staff and/or holding positions vacant<sup>4</sup>.

The combination of new and modified rules, declines in federal funding, and loss of state funding sources means the state-federal environmental partnership is under great strain. States are making hard decisions about which parts of federal programs they can continue to implement, and which parts they may have to ask EPA to undertake for a while.

<sup>1</sup> See Fall 2009 EPA *Semiannual Regulatory Agenda*, Index D and E, and previous editions.

<sup>2</sup> “EPA Grants--State Cost Share” via email from David Bloom to Steve Brown, February 25, 2010.

<sup>3</sup> *State Environmental Expenditures, 2005-2008*, Environmental Council of the States, March 2008.

<sup>4</sup> *Impacts of Reductions in FY 2010 on State Environmental Agency Budgets*, in publication, Environmental Council of the States, March 2010. See [www.ecos.org](http://www.ecos.org).

Fortunately, States and EPA have worked to improve our communications on these matters. Part of that communication has been State input into EPA's annual budget process. In 2009, as EPA began to develop its 2011 budget, ECOS was again asked to present its STAG budget needs. Focusing on the categorical grants (largely because ARRA had just passed and had addressed the infrastructure needs), ECOS presented the "statement of needs," which outlined our assessment of the workload and the resources needed to accomplish it, with an emphasis on the largest categorical grants such as those previously listed. The resulting total for categorical grants was about double the current amount provided. However, we recognized that such a request would be very hard indeed to honor. So, we stated that "Our base request is a 2% increase above 2010 appropriations to address inflation" that would be applied to every categorical grant. We also explained that new rules would need new resources, especially this year.

We were therefore pleased to see that EPA had listened to this request, and included an overall 14.3% increase for the categorical grants programs, with most receiving the 2% request and some (such as the air program and the clean water program which have new expansions) receiving larger amounts. This approach addresses some of the state needs, and is especially welcome during the current difficulties that states are facing in obtaining funding from state sources.

The primary shortcoming in the agency's budget approach is that the drinking water program was not provided any increase. Our understanding from the agency is that it believed that previous budgets had addressed these needs. However, ECOS' examination of recent categorical grants budgets does not match the agency's assessment. For example:

	Categorical Grant: Public Water System Supervision (PWSS)	PWSS annual % increase	PWSS net % increase	Comparative net increase for CWA 106	Comparative net increase for Air Quality Mgmt
2007 CR (base year)	\$98,274,000	Base year	Base year	Base year	Base year
2008 actual	\$97,554,000	-0.738%	-0.738%	0.937%	-1.580%
2009 actual	\$99,440,100	1.897%	1.187%	0.312%	1.494%
2010 actual	\$105,700,000	5.922%	7.556%	6.061%	2.874%
2011 proposed	\$105,700,000	0.000%	7.556%	26.879%	40.331%

This shows that the Categorical Grant for the drinking water programs is not keeping pace with the air and water point-source programs, and did not have a "head start" over the other programs in previous years that would carry it forward into the present, as the agency seems to assert. Furthermore, the PWSS grant had been supplemented by a Homeland Security grant of nearly \$6m per year that was eliminated in the 2010 budget. These duties must still be conducted, but the Homeland Security subcommittee seems unlikely to fund these activities, which means there is no funding source for them. In consideration of these facts and trends, we respectfully suggest that the PWSS categorical grant should be increased in an amount commensurate with the CWA 106 grant.

*Other Considerations*

ECOS notes that the proposed EPA budget has eliminated several programs added by Congress in last year's or previous years' appropriations. Our endorsement of the President's budget should not necessarily be interpreted as opposition to these programs.

**WRITTEN TESTIMONY BY****TIMOTHY J. REGAN  
PRESIDENT****EMISSIONS CONTROL TECHNOLOGY ASSOCIATION****HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT &  
AND RELATED AGENCIES****MARCH 19, 2009**

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Mr. Chairman and Members of the Subcommittee, my name is Tim Regan and I'm the President of the Emissions Control Technology Association (ECTA) and an executive with Corning Incorporated. ECTA is a trade association that promotes public policies to improve air quality by reducing mobile source emissions through the use of advanced technologies. ECTA represents the companies that have been at the cutting edge of mobile source emissions control technology for three and a half decades. Our members invented and developed the core, specifically the substrate and the catalyst, of the catalytic converter.

Thank you for the providing me with the opportunity to submit written testimony in support of the Diesel Emission Reduction Act (DERA). This Subcommittee has repeatedly recognized the importance of funding diesel emission reduction programs, and on behalf of ECTA I both thank you and encourage you to continue that commitment. Specifically, we respectfully request that the Committee fund the grant program authorized by the Diesel Emission Reduction Act of 2005 at \$100 million for FY 2011.

We are incredibly grateful for the \$300 million in funding that you included in the American Recovery and Reinvestment Act of 2009 (ARRA) as well as the \$80 million that you included in the fiscal year 2010 budget for diesel emission reductions. This funding will not only assist in cleaning the air and protecting public health, but it is also presents a unique opportunity to stimulate the economy in a timely and targeted manner.

**The Challenge**

Thirty years ago, when the catalytic converter was first introduced, our industry was faced with the challenge of reducing nitrogen oxides from the transportation sector. Today, the challenge is to reduce the black smoke and smell from diesel exhaust. Once again, our industry has risen to the challenge by developing a full range of devices, commonly known as "after-treatment" technology that remove fine particulate matter and other pollutants in diesel exhaust.

Our technology is required equipment on all new on-road heavy duty vehicles entered into service after January 1, 2007. This will make a significant contribution toward cleaner air and better health. In fact, EPA estimated at the time the so-called 2007 Highway Rule was

promulgated that the technology would generate \$66 billion in economic and health benefits annually when the new vehicles significantly penetrated the fleet after the year 2020.<sup>1</sup>

The challenge that we continue to face is how to retrofit this new technology onto existing vehicles and engines that are being used today. These vehicles and engines do not have the emissions control technology that is required for new vehicles. Consequently, they are the “dirtiest” diesel devices in use, and there are a lot of them.

EPA estimates there are currently 20 million heavy duty diesel engines in use today, the so-called “legacy fleet.”<sup>2</sup> Because diesel engines are so durable, the existing equipment in the fleet will not be fully replaced until the year 2030. The best way to clean up the legacy fleet is to retrofit it with the same kind of technology that is being installed on new vehicles. This retrofit equipment could include after-treatment devices, such as a diesel particulate filter or a diesel oxidation catalyst. It also could include vehicle replacement, engine replacement, engine rebuilds, and engine repair.

Unfortunately, the cost of purchasing and installing diesel retrofits oftentimes does not introduce enough operational efficiency to generate a return on the investment. So, equipment owners are understandably reluctant to invest in a retrofit unless they are given some form of financial assistance to help defray the cost. And, it makes sense for the public to help finance retrofits because they generate benefits in the form of cleaner air and improved public health for all of society.

#### **Congressional Action**

To the credit of Congress, it has acted to provide the necessary financial assistance to promote the deployment of diesel retrofits. This Subcommittee started addressing this problem as far back as FY03. At that time, the Subcommittee took the lead in appropriating \$5 million to provide the original funding for the Clean School Bus USA program.

Based on the positive experience with the Clean School Bus USA program, Congress took another big step in 2005 to advance the deployment of diesel retrofits. Specifically, as part of the Energy Policy Act, Congress proposed and passed DERA. This provision of law authorized the expenditure of \$1 billion over five years to finance diesel retrofits through grants and revolving loans. The authorization calls for the appropriation of \$200 million per year for FY07 through FY11.

Mr. Chairman, your Subcommittee has done a valiant job in trying to find the resources to fund DERA. These are difficult financial times. All Federal accounts are under stress, especially those under the jurisdiction of this Subcommittee. But under your leadership, your Subcommittee has continued to approve funding for this extremely important and cost-effective program. We appreciate the Subcommittee’s efforts.

<sup>1</sup> See Environmental Protection Agency (July 7, 2005), “2007 Heavy-Duty Highway Final Rule,” <http://www.epa.gov/OMSWWW/diesel.htm>.

<sup>2</sup> Environmental Protection Agency, “Report to Congress: Highlights of the Diesel Emission Reduction Program.” <http://www.epa.gov/otaq/diesel/documents/420r09006.pdf> p.3

### **The Problem**

Unfortunately, the resources available to fund diesel retrofits far exceeds the demand, even with the \$300 million of funding included in the American Reinvestment and Recovery Act (Recovery Act). Despite increased funding in recent years, the DERA program continues to be oversubscribed. In FY 08, EPA received approximately \$5 in requests for every available dollar.

This trend continued with the Recovery Act funding. The national grant component of the DERA program under the Recovery Act contained funding for \$155.8M worth of clean diesel projects. However, EPA received 598 applications requesting a total of \$1.7 billion and providing \$2.2 billion in matching funds. This translates into a request of \$10 for every \$1 available.

### **Our Request and Rationale**

In light of this strong demand for funding, we respectfully request \$100 million for the Diesel Emissions Reduction Act (DERA) in FY11. We believe that this proposed increased level of funding is reasonable and appropriate for several reasons.

First, the money will be well spent because diesel retrofits have been proven to be one of the cost-effective emission reduction strategies. Studies have shown that emission reduction strategies which involve the use of diesel retrofit technology can, in almost every case analyzed, achieve lowest cost per ton of emissions reduced compared a long list to other strategies for reducing emissions from the transportation sector.<sup>3</sup> For example, installing a diesel particulate filter on a Class 7 heavy duty truck is 15 times more cost-effective than replacing a conventional bus and 46 times more cost-effective than building an HOV lane.<sup>4</sup>

Second, DERA represents a unique opportunity to simultaneously stimulate the economy and save jobs while improving national environmental and health outcomes. DERA funding is targeted at industries undergoing significant dislocation and layoffs. In particular, as a study by Keybridge Research notes “the economic impact [of DERA funding] is likely to be the greatest in auto parts manufacturing and heavy-duty truck (e.g., school bus) manufacturing sectors, which have sustained job losses at nearly 9-times and 7-times the national rate.” Employing a methodology based on the use of standard economic multipliers provided by the Bureau of Economic Analysis’s RIMS II model, Keybridge Research concluded that DERA is likely to generate approximately \$6 of increased economic output for every \$1 of federal expenditures.<sup>5</sup>

Third, spending on diesel retrofits generates a substantial return on an investment. When DERA was enacted, EPA estimated that, if fully implemented, the program would generate \$20 billion of economic and health benefit for \$1.5 billion of cost. In a recent Report to Congress on the first year of the DERA program (FY 08), the EPA estimates that for every dollar spent on the DERA program, an average of more than \$20 in health benefits are generated.<sup>6</sup>

<sup>3</sup> See ECTA comments (February 20, 2007) in Federal Highway Administration Docket No. FHWA-2006-26383, <http://dmses.dot.gov/docimages/p89/454896.pdf>, <http://dmses.dot.gov/docimages/p89/454899.pdf>

<sup>4</sup> *Ibid*, Table 4, p. 10, <http://dmses.dot.gov/docimages/p89/454896.pdf>

<sup>5</sup> Keybridge Research, LLC, “Green Stimulus: The Economic Impacts of Funding the Diesel Emission Reduction Act.” <http://www.ectausa.com/documents/DERAEconomicImpactStudy.pdf> p. 16

<sup>6</sup> Environmental Protection Agency, “Report to Congress: Highlights of the Diesel Emission Reduction Program.” <http://www.epa.gov/otaq/diesel/documents/420r09006.pdf> p. 11

Fourth, because DERA sets aside 30% of its funds for a State Grant Program, it can be used to help States reach attainment of the National Ambient Air Quality Standards (NAAQS) for particulate matter. Every state in the nation now has a diesel retrofit program and would benefit from DERA funding.

Fifth, increasing the installation of clean diesel retrofits through significant funding for DERA can generate global warming benefits. While U.S. EPA and others continue to study the issue, recent studies show that black carbon from diesel exhaust has global warming potential. Clean diesel retrofits can reduce this black carbon by over 90 percent.

Finally, there is a very broad base of support for the DERA program. From the beginning, DERA enjoyed strong support from both sides of the aisle in Congress and from the entire range of private interests and non-profit public interest groups. Few environmental programs enjoy such widespread support.

#### **State and Local Air Quality Grants**

We would also like to endorse the request for increased funding to support State and local air quality grants that is being requested by the National Association of Clean Air Agencies (NACAA) in their written testimony submitted to the Subcommittee. State and local governments hold primary responsibility for preventing and controlling air pollution. They rely on grants to carry out their core obligations under the Clean Air Act, including monitoring air quality, assessing emissions impacts, permitting and inspecting sources, and enforcing environmental regulations.

For FY 11, NACAA recommends that grants within the STAG program for state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act be funded at \$309.1 million, an \$82.5 million above the FY 2010 appropriation. We support NACAA in this request.

#### **Conclusion**

Thank you again Mr. Chairman for the opportunity to appear before the Subcommittee. In closing, we urge you to fund DERA at \$100 million for FY11 because it will result in the most cost-effective use of Federal funds to achieve emission reductions from the transportation sector.



*Testimony submitted by Leda Huta, Executive Director, Endangered Species Coalition on behalf of our member organizations regarding FY 2011 Interior Appropriation for the U.S. Fish and Wildlife Service's Endangered Species Program.*

- **Earth Cause Organization \* International Marine Mammal Project of Earth Island Institute \* Federation of Fly Fishers \* Western Nebraska Resources Council Center for Plant Conservation \* Center for Biological Diversity \* WildEarth Guardians \* Endangered Habitats League \* Alliance for the Wild Rockies \* Biodiversity Conservation Alliance \* Friends of the San Juans \* Gulf Restoration Network \* Wildlife Center of Virginia National Audubon Society \* Sierra Club \* Center for Native Ecosystems \* The Otter Project \* Wild South \* Conservation Northwest \* Animal Welfare Institute**

March 19, 2010

The Honorable James Moran  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

On behalf of the undersigned organizations and the millions of members we represent nationwide, we urge you to fully fund programs of the Endangered Species Act at the levels outlined below during the Fiscal Year 2011 appropriations process.

The Endangered Species Act is a safety net for wildlife, plants and fish that are on the brink of extinction. The Act has been successful in preventing the extinction of many of our nation's species, including Bald Eagles, Peregrine Falcons, wolves, grizzly bears and wild salmon. In today's era of climate change, it is needed more than ever. However, for years the Endangered Species Act has been chronically underfunded, making it increasingly difficult for the U.S. Fish and Wildlife Service experts to carry out their responsibilities under the Endangered Species Act.

#### **CORE ENDANGERED SPECIES PROTECTIONS**

The four Fish and Wildlife Service endangered species operating accounts are key to effective implementation of the Endangered Species Act. All four program areas are currently experiencing at least a 30 percent staffing shortage due to budget constraints, an unacceptable vacancy rate. While we are asking for increases in all of these program areas, our community is particularly concerned about the listing program. At the current rate of listing, the program is effectively broken. The future of the Endangered Species Act is in danger when this first essential step of its implementation is not occurring. To adequately implement the endangered species program, funding must gradually increase for the four main accounts to at least \$305 million by 2016, an increase of \$125.5 million over FY 10. The numbers below represent an increase of 37.6 million over FY 2010 enacted levels of 179.5 million

**Listing** – This account funds the protection of new plants and animals under the Endangered Species Act, as well as habitat critical to recovery. Currently, more than 249 domestic and 20 foreign species sit on the candidate waiting list for protection, creating an estimated backlog of more than \$200 million. Candidate species wait an average of 19 years to be listed and since 1975, 64 have gone extinct while waiting – seven times the number that have disappeared under the full protection of the ESA. To eliminate this backlog over the next five years, we request an increase this year for a FY 11 appropriation of \$32.1 million.

**Recovery** - While the Endangered Species Act has been extremely successful at preventing wildlife from going extinct, the purpose of the Act is to protect and **recover** endangered and threatened fish, plants and wildlife. It is difficult to estimate the true needs for the recovery program—current estimates place it at approximately \$100 million. The coalition would like to see the recovery program funded at no less than \$95 million for FY 11.

**Consultation** – The consultation program is an important part of the checks and balances system to ensure that endangered fish, wildlife, and plants are protected on the ground. There has been a dramatic increase in demand for consultations recently, jumping from 40,000 in 1999 to 67,000 in 2006. Shortage of personnel in this program area causes delays of project reviews thus creating conflicts between agencies. The consultation budget also funds the Service's work with non-federal entities for permitting and development of Habitat Conservation Plans, all of which must be consistent with recovery. However, lack of funding prevents the Fish and Wildlife Service from ensuring that these plans are properly developed, implemented and monitored. To adequately implement the consultation program would require an overall program budget of \$122.4 million. We request \$75 million for FY 11.

**Candidate Conservation** - This program provides interim protections for species while they await listing, but it should not be used to systematically avoid listing species. These interim protections can help to ensure a species does not go extinct while on the candidate list. As mentioned above fish, plants and wildlife on the candidate list go extinct at a much higher rate than those with full protection – in part because of severe understaffing for this program. Given the large number of candidate species, a doubling of this program's staff is justified to ensure adequate implementation.

#### **ADDITIONAL ENDANGERED SPECIES PROTECTIONS**

**Cooperative Endangered Species Fund** – This fund provides grants to states for wildlife and habitat conservation activities on non-federal lands for listed and candidate species. At least 65 percent of federally listed species are found on non-federal land. Without the proposed increases states will fall further behind in their ability to independently work to protect at risk species. Crucial conservation activities funded by these grants include: research, species status surveys, habitat restoration, captive propagation and reintroduction, planning assistance, and land acquisition by states for Habitat Conservation Plans and recovery. To adequately fund state endangered species conservation activities a total of at least \$160 million is needed. We therefore request an increase of \$15 million this year for a total appropriation of \$100 million in FY 11 including 20 million for conservation grants to states.

**Landowner Incentive and Private Stewardship Grants** – These grants provide funding for voluntary conservation actions taken by landowners to conserve at-risk plants and animals on private lands, which benefits us all. The Landowner Incentive program awards competitive grants to state and tribal conservation agencies for their work with private landowners and tribal lands, while the Private Stewardship program provides funding directly to individuals and groups implementing private land conservation actions. In 2007, funding was awarded to efforts in 46 states. Regrettably, neither program was funded in the FY 10 Interior appropriations bill due to budget constraints; these important programs should be re-started in FY 11. The demonstrated need for these programs has far outstripped available funding in the past – the amount requested for worthy projects on average totaled two to three times the yearly available funding. To support private landowners in their voluntary conservation efforts, a gradual increase to \$77 million is needed by FY 16 in these two incentive programs. We request that these programs be restored to their FY 07 levels of \$23.7 million for the private landowner and tribal lands grants and \$7.3 million for the stewardship grants. However, while these voluntary incentives programs are

important for the recovery of our nation's imperiled species, they should not be funded at the expense of the Fish and Wildlife Service's core endangered species programs.

**BLM Wildlife and Fisheries Management and Threatened and Endangered Species Management**

The Bureau of Land Management (BLM) controls habitat that supports more than 300 federally listed or candidate species. This program, along with their Fisheries and Wildlife Management program, funds inventory and monitoring, habitat restoration, endangered species recovery, and other proactive conservation activities vital to maintaining healthy, functioning ecosystems and fish, wildlife, and plant populations. Recently, an average of 30 percent of these funds have been used to pay for the compliance activities of the BLM's energy, grazing, and other non-wildlife related programs. Traditionally, funding for compliance work has come from benefiting programs. In addition, the programs are substantially understaffed. For example, the BLM has only one biologist per 591,000 acres of land, and more than \$300 million is needed annually just to implement actions assigned to BLM in recovery plans for listed species. BLM only gets ten percent of what they actually need for threatened and endangered species. In addition to restoring the funds diverted to benefit other program areas, we request an increase of \$25 million over FY 10 levels to begin meeting this program's needs, for a total appropriation of \$65.4 million in FY 11 for wildlife and fisheries management and 32.6 million for threatened and endangered species management.

The Endangered Species Act is a broadly supported law and has been very successful in preventing extinctions. But without the necessary funding, the Act's true goal of restoring endangered species to healthy populations will be much more difficult to accomplish. We ask you, as a member of the Appropriations Committee, to fully fund Endangered Species Act programs this year. Thank you.

Sincerely,

Leda Huta  
Executive Director  
Endangered Species Coalition  
Rob Fisher  
Executive Director  
Earth Cause Organization  
David Phillips  
Executive Director  
International Marine Mammal Project of Earth  
Island Institute  
Phil Greenlee  
Board President  
Federation of Fly Fishers  
Buffalo Bruce  
Staff Ecologist  
Western Nebraska Resources Council  
Kathryn Kennedy  
Executive Director  
Center for Plant Conservation  
William Snape, III  
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Center for Biological Diversity  
Nicole Rosmarino, Ph.D.  
Wildlife Program Director  
WildEarth Guardians  
Dan Silver  
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Endangered Habitats League  
Michael Garrity  
Executive Director  
Alliance for the Wild Rockies  
Duane Short  
Wild Species Program Director  
Biodiversity Conservation Alliance  
Stephanie Buffum Field  
Executive Director  
Friends of the San Juans  
Cynthia Sarthou  
Executive Director  
Gulf Restoration Network  
Edward E. Clark, Jr.

President  
Wildlife Center of Virginia

Mike Daulton  
Senior Director of Government Relations  
National Audubon Society

Debbie Sease  
National Campaign Director  
Sierra Club

Bethany Gravell  
Executive Director  
Center for Native Ecosystems

Allison Ford  
Executive Director  
The Otter Project

Tracy Davids  
Executive Director  
Wild South

Dave Wernitz  
Science and Conservation Director  
Conservation Northwest

Cathy Liss  
President  
Animal Welfare Institute

**Testimony on behalf of the Federation of State Humanities Councils**

Prepared for the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies by David Colburn, Chair, Federation of State Humanities Councils, Addressing the National Endowment for the Humanities, March 26, 2010.

Mr. Chairman and members of the subcommittee, I thank you for the opportunity to testify on behalf of the Federation of State Humanities Councils (FSHC), the membership association of the of the individual state humanities councils. I am David Colburn, chair of the board of directors of the Federation of State Humanities Councils and former chair of the Florida Humanities Council. For FY 2011 the Federation of State Humanities Councils is requesting \$60 million for the NEH Federal-State Partnership and \$144 million for national programs of the NEH as part of a total community request of \$204 million for NEH programs.

With the additional funding for the Federal/State Partnership portion of the NEH budget the humanities councils can begin to address the tremendous needs that exist in our communities today. The state humanities councils are the neighborhood face of the humanities. They provide and support activities that touch individual lives, strengthen communities, and promote a better understanding of who we are as a people and what we stand for as a nation.

There are two things that I hope you will take away from my testimony today. The first is that the federal funding available at the state level through the state humanities councils is a lifeline for communities and for local organizations. The second point, even more important for the long-term vitality of the country, is that these programs are substantive, educational, enriching experiences for both citizens and communities. The programs councils conduct and support help us preserve and pass on our shared history and culture, the qualities that define us as a society. It is relatively easy to say, in difficult economic times, that humanities spending can be cut because humanities programs are not "necessary." I believe, on the contrary, that the work of the humanities councils is essential and more important now than ever. I also believe that state councils are providing a vital contribution to strengthening the economy and ensuring the survival of the cultural infrastructure in their communities and in the nation.

The Federation recently surveyed councils about the impact of the economic downturn in their states. The reports we received were both sobering and impressive:

- \* The New Hampshire council, just as an example, reported that the number of organizations asking for programs rose by 109 percent from 2008 to 2009 and attendance at these programs is up by 60 percent.
- \* The Wisconsin council reports that the council is often the only possible source of funding for organizations seeking their grants, and this is especially true in those areas where humanities organizations are the only source of programming of any kind for their citizens.
- \* The New York council reported that more than half the organizations they work with have had to cut services or staff, and that 86 percent of those organizations would not have been able to conduct humanities programs without council support.

- \* The Florida Humanities Council reports that last year more than 30 libraries applied for grants to conduct the council's Prime Time family reading programs that bring together a humanities scholar and storyteller with low-literacy families to read together and talk about books and ideas. The council was able to fund only six of those applications. The Kentucky Humanities Council has had so many Prime Time applications that they have had to ask those who have previously hosted it to suspend further application while they provide the program to others. With adequate resources they could easily double the programs they provide; as it is, lack of resources affects both the number and the eligibility.
- \* The most recent grant round of the Idaho Humanities Council brought in requests totaling \$150,000, though the council has only half that amount available to award. Indeed, many councils report that they are unable to fund more than half the requests they receive.

I believe it goes without saying that council programs have a powerful intellectual and educational impact on their communities, but they also preserve jobs and help organizations survive. Even when council grant funds are not contributing directly to financial viability of organizations, they are doing so in an indirect way by enabling those organizations to continue to be a vital presence in their communities and thereby to attract audiences to their programs and services.

Let me provide one specific example of the important economic and community impact that even a small amount of council support has provided. The Loves Jazz and Art Center in North Omaha, the only neighborhood-based cultural institution preserving the African American community's heritage in that city, serves an economically disadvantaged population and has survived largely on grants from foundations and corporate sources. Last year that support declined so dramatically that the Center was about to close its doors, just before a Smithsonian Museum on Main Street exhibit, made available through a partnership between the state humanities councils and the Smithsonian Institution Traveling Exhibition Service, was scheduled to open. The Nebraska Humanities Council provided a \$2,000 grant to keep the institution open. This prompted a city councilman who was present at the meeting to seek an emergency allocation from the city, and once the exhibit arrived, the Center was able to secure a county tourism grant that will provide support for the next three years. The director of the Center credited the Nebraska council with saving "not only a museum but a community's heritage."

These stories recur throughout the country, in large and small ways. A number of councils reported that many libraries and other organizations in small communities no longer have a program budget at all, and humanities council programs constitute the only offerings they can provide to the public. This is particularly true in rural areas and in areas hit especially hard by the economic downturn. The Kansas Humanities Council reports, for example, that in 2009 they supported 598 humanities programs in 117 communities and that the council's inexpensive programs mean that organizations without a program budget or staff can still provide these events. The Humanities Council South Carolina recently gave a \$7,000 grant to a historical museum in a small economically distressed town. The museum, a donated historic house, employs one minimum wage staff person. The grant supported three scholars who catalogued the museum's collection and created a variety of exhibits that will be on display over the next three years, enabling the museum to attract local citizens and visiting tourists.

Larger efforts such as the Virginia Festival of the Book, conducted each March by the Virginia Foundation for the Humanities, attract tens of thousands of citizens. Like a number of other book festivals that councils support around the country, the Virginia Festival not only promotes reading and literacy, it also brings citizens and communities together while contributing significantly to the local economy.

These multiple benefits demonstrate not only that council support and programming strengthen the economy. More importantly, in my view, council programs ensure the social and intellectual vitality of each state's institutions and organizations—and by extension the individuals and communities they serve. They create opportunities for reflection on important and often difficult issues. Humanities discussions sometimes take place around books, sometimes in response to a stimulating speaker, sometimes in facilitated roundtables involving people holding very different viewpoints and from very different walks of life. They get people talking with neighbors and often with strangers about issues that are of fundamental importance to their communities.

State humanities councils are seen by their communities as honest brokers, their programs viewed as neutral ground, a safe space for expression and exchange of ideas and viewpoints, even when those viewpoints differ. Council programs cover essential issues for the citizens of this country to address at this particular moment in our history—immigration, race relations, religious and ethnic differences, the economy, the environment, medical ethics—all seen through the lens of the humanities. The need for programs that educate, enlighten, and expand minds simply cannot be overestimated at this time. The director of the Oregon Humanities Council recently noted that forums they offered for discussing a genuinely divisive local issue in Portland “were revealing, useful, and energizing to people of [opposing perspectives]. There were no other public, face-to-face (and therefore humanizing) forums for this conversation, which mainly played out in opinion pages, anonymous blogs, and letters to the editors of local papers.”

Councils do not shy away from the most controversial and potentially divisive issues. The Illinois Humanities Council last year conducted a series of conversations around the state that brought together scientists, philosophers, historians, farmers, and environmental policy experts to discuss issues related to oil and water consumption. The Maryland Humanities Council used the occasion of the anniversary of the assassination of Martin Luther King, Jr. to launch a series of “community conversations” that brought diverse audiences together to discuss the issue of race in the context of Dr. King’s legacy. Humanities Montana is so committed to promoting civil discussion around difficult issues that in 2009 they sponsored a Conference on Civil Discourse in the Bitterroot, an area regarded as “stunningly beautiful but also the scene of intense conflict over land use, water rights, and more.” The conference attracted 120 citizens in this rural valley community, including 20 high school students, who came together “to discuss the roots of uncivil behavior, to reflect on the role of media in encouraging respectful exchange of ideas, and...to consider ways to improve civil discourse and civic engagement in the valley.”

State humanities councils are not just providing resources for existing institutions and individuals. They are also providing invaluable resources for the future, through support for teachers, students, and K-12 education in their communities. The teacher institutes supported by councils in more than twenty states are educating and inspiring teachers, who go back to their classrooms with renewed energy and new knowledge. Without council funding, opportunities for this kind of high

quality content-based, in-depth training would not exist at all in many states. And the need for such resources for teachers continues to grow as funding from state government and other sources declines. The Florida Humanities Council, whose workshops generate materials, websites, and lesson plans as well as content instruction for teachers, received more than 500 applications this spring for just 200 spaces in their summer workshops. The Alabama Humanities Foundation partnered with the Alabama Department of Archives and History to conduct a teacher institute on the history and legacy of slavery in Alabama. Because of state budget cuts, the ADAH would not have been able to offer this institute, which brought together white and African American teachers from throughout the state, without the support of the Humanities Foundation.

At a time when schools are reducing school hours to meet financial cutbacks, the state humanities councils are stepping forward to provide teachers, parents, and students with a whole new range of online resources, as well as the enrichment of the classroom experience through support for such partnership programs as National History Day, which receives council support in a number of states. Councils in Nebraska and Illinois sponsor Capitol Forum programs that engage high school students and their teachers in discussion and deliberation about our nation's future in a changing international environment. The Rhode Island Council for the Humanities used the increase in federal funding received last year to launch a civic education initiative, through which they will award grants to teachers, schools, districts, and other agencies that support the work of developing, disseminating, and providing professional development opportunities to enhance K-12 civic education. These resources are an invaluable investment in the future of our nation.

I hope that my testimony has helped you to see what an incredibly beneficial and essential investment the state humanities councils are, even in tight economic times. I would only add that our request for \$60 million comes from an extensive state-by-state survey of needs for council programming and support. Councils have identified more than \$150 million in local program requests that could be funded immediately, wisely, and for the benefit of communities throughout the nation. Limitations on state budgets and private fund raising are only pushing those needs higher. We need your support.

Recently, the Washington Post published an editorial that recounted a speech made to Congress twenty years ago by Vaclav Havel. Havel, as you recall, was a leader in the successful effort to overthrow communist oppression in Eastern Europe and subsequently became President of the Czech Republic and received the U.S. Presidential Medal of Freedom. Havel stated, "The salvation of this human world lies nowhere else than in the human heart, in the human power to reflect, in human meekness and in human responsibility." We believe the mission and responsibility of the state humanities councils is to nourish the ideals that Havel describes, and we respectfully request your support so that we can continue to enrich the intellectual well-being of Americans and promote understanding with one another.



TESTIMONY ON FY 2011 APPROPRIATIONS  
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA  
KAREN R. DIVER, CHAIRWOMAN  
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
March 19, 2010

I am Karen R. Diver, Chairwoman of the Fond du Lac Band of Lake Superior Chippewa. We appreciate having the opportunity to provide you with testimony on FY 2011 Appropriations for the Indian programs funded through the Department of the Interior and Indian Health Service. The Fond du Lac Band provides health, education, social and other governmental services to 6,500 Indian people living on or near our Reservation in northeastern Minnesota. These programs are essential to our ability to educate our children, care for our elderly and infirm, prevent crime, and protect and manage natural resources.

**BIE: Education.** We urge Congress to substantially increase funding for BIE Elementary/Secondary School Programs. The Fond du Lac Band relies on BIE funding for the operation of the Band's pre-K through grade 12 Ojibwe School. The Ojibwe School serves approximately 320 students most of whom are tribal members or descendants of tribal members. Most of our students come from very low income households, illustrated by the fact that more than 90% of our students qualify for free or reduced rate lunch. But although American Indian students are the most at-risk group of students in our Nation, the BIE Elementary/Secondary School Programs have been historically under-funded. The necessary increases in education program funding can and should be offset in part by reductions in BIE's administrative costs so that more funds go directly to the schools where they can most effectively be used. We ask that BIE Elementary/Secondary School Program funding be adjusted as follows:

Increase ISEP Formula funding by 29% from FY2010 enacted levels. We urge Congress to increase by 29% (\$112 million) the Indian School Equalization Program (ISEP) Formula Funds. ISEP Formula funds are the primary means by which we pay the costs of school operations and education programs but these funds have consistently fallen very far short of our need. As described in the President's budget, seventy-five percent of the Tribal and BIA schools are struggling and at risk of failing to meet the adequate yearly progress (AYP) goals required by the No Child Left Behind Act. The Fond du Lac Ojibwe School is among those at risk. Far too many Tribal and BIA schools are in need of intervention, restructuring or corrective action under that Act, but existing funding levels are not, and have never been, sufficient to help us meet the Act's requirements. Instead, funding shortfalls have forced us over the years to cut back programs, layoff teachers and school aids, and reduce working hours for others. For our students to succeed, our schools need a commitment of high priority support so that we can pay competitive salaries to attract and retain skilled teachers; invest in research-based reading and math curricula; keep pace with costs of student transportation; and provide early childhood development programs.

Increase School Facility Operations by \$30 million and School Facility Maintenance by \$3 million from FY 2010 enacted levels. We urge Congress to increase funding for school facility

operations and school facility maintenance as past funding has failed to keep pace with the cost of school operations or the growing backlog of Indian schools and facilities needing repair.

Increase Tribal Grant Support Costs by \$21million. We appreciate the President's proposal to increase funding for Tribal Grant Support Costs. However, because these funds have seen no increase for many years even though costs have risen, we urge that these funds be increased by \$21 million from the FY 2010 enacted level.

Increase Student Transportation by \$6.2 million. We also urge Congress to increase funding for student transportation by \$6.2 million. Rising fuel costs and the need to replace vehicles forces us to reallocate money needed for education programs to pay for transportation so we can ensure that our children are able to get to school safely. We should not have to choose between funding education programs and providing safe and reliable transportation services to our students.

Proposed decreases in BIE administrative costs. In our view, these increases in funding for the school programs can and should be offset in part by decreasing funds for BIE's administrative functions. Over the past six years, funding for BIE Education Management has more than tripled while funding for all of the school-based programs have remained essentially the same, with only some modest increases for some programs in very recent years. The funds allocated for BIE management are not needed. BIE has failed to provide any meaningful assistance to schools in corrective action or in restructuring under the No Child Left Behind Act. It has not provided information to schools regarding funding opportunities. Indeed, even when BIE has funds for grants, BIE fails to timely award them – as has occurred with the Technology Grants that should have been awarded in October 2009 and which we desperately need to update our technology structure for our students. For these reasons we recommend that funds allocated for BIE administrative functions be decreased. This includes: decreasing BIE Education Management by \$10,000,000; decreasing BIE Program Enhancements by \$12,067,000; and eliminating the proposed BIE ISEP Program adjustments of \$7,238,000. This shift in funding will better ensure that the money is targeted to our schools where it can be most effectively used for teacher salaries, education programs, school maintenance, and student transportation.

BIA: Public Safety and Justice. We urge Congress to increase BIA funding for law enforcement above the level proposed in the President's budget. While we support the President's proposal to increase law enforcement funding to enhance the number of FBI agents working in Indian country, this should not be at the expense of increased funding for Tribal law enforcement. In our experience, the FBI's work will be limited to targeting specific major crimes. The FBI will not address the very substantial day-to-day law enforcement needs that arise on most Indian reservations which must be addressed by Tribal law enforcement departments like the Fond du Lac Band's Law Enforcement Department. We also ask that Congress increase the Band's base funding by \$2 million for court operations and law enforcement, and provide a one-time appropriation of \$8 million to allow us to expand the facility that houses our law enforcement department but which is completely inadequate for that purpose.

We continue to face massive unmet needs for law enforcement on matters that are not addressed by the FBI. We had to assume responsibility for law enforcement after the Minnesota Supreme Court ruled that the State did not have jurisdiction to enforce traffic laws on roads within Indian reservations, *State v. Stone*, 572 N.W.2d 725 (Minn. 1997). We have done this using a combination of tribal and federal funds (made available through the Community Oriented Policing Services (COPS) program and the BIA), and by cooperative agreements with local law enforcement agencies. But because of the resurgence of methamphetamine, alcohol, illegal prescription drug use, and gang-related activities on our Reservation our law enforcement responsibilities continue to grow. Prescription drug abuse is an epidemic. Increasing numbers of our elders and others are the victims of more frequent assaults and robberies that are prescription drug related. Our officers are responding to a growing number of drug related overdoses and deaths, as well as juvenile offenses involving drugs, alcohol, thefts, assaults and burglaries. In 2009 alone, we responded to more than a thousand reported incidents and requests for assistance. These include, for example, reports and requests involving domestic disputes, disturbances, disorderly conduct, property damage, drug incidents, theft, medical emergencies, fire, neglected children, runaways, suicide threats, not to mention hundreds of traffic-related matters.

To address these problems, we need to increase our law enforcement staff so that we can station police officers in specific locations, such as near elderly housing, and ensure effective law enforcement coverage 24/7. But we do not have sufficient funds to attract and retain the number of officers that we need. We currently employ 12 patrolmen, 1 investigator, 1 school resource officer (assigned to the Ojibwe School to try and stem the tide of juvenile crime), a Chief of Police, and 3 administrative staff. Our goal is to schedule 3 officers per shift, but we do not have sufficient funds to do this around the clock. Fewer officers on duty means serious safety issues for both officers and the people we need to protect. Our limited staff also means that we cannot implement pro-active measures, such as youth education and outreach programs, and assistance to the clinics in developing means for identifying and preventing prescription drug abuse. To effectively address law enforcement, we need approximately 20 officers but do not have the funding for this.

Federal funding is also vital for law enforcement equipment. We appreciate the help that we have received on this through the COPs program, but to effectively address crime, we still need to periodically upgrade or replace patrol cars, radar equipment, and in-squad computers. We need e-ticket (ticket writers), and in-squad cameras for patrol cars. We need to replace our existing radio system to narrowband. In addition, the nearby counties have enhanced their 911 system. As a result, we need additional funds to effectively integrate the Band's system with that used by those counties as well as a T-1 communications line to establish a more secure connection to that system.

Finally, we need a new facility for our law enforcement department. The department is now housed in a 6-room building which we share with the Band's housing program, and which has no room for investigative interviews, nor office space for specialty positions such as investigators. The evidence room and reception area are all completely inadequate for law enforcement purposes. A new building with a garage, along with a larger evidence room and storage room for record keeping, and a training room for officers, is essential.

**BIA: Natural Resources.** We very much appreciate the increase in funding for BIA Natural Resource programs that Congress provided for FY 2010 and urge Congress to at least maintain if not increase those funding levels. Natural resources are vitally important to our Tribal members as they provide the foundation for our culture, meet subsistence needs, and provide employment. The Fond du Lac Band's right to access natural resources within and outside our Reservation was reserved by Treaties with the United States in 1837 and 1854 and reaffirmed by the courts. In connection with these Treaty rights, the Band is responsible for managing natural resources and for enforcing Band conservation laws that protect those natural resources by regulating tribal members who hunt, fish and gather those resources both within and outside the Reservation. Funding is essential for that work. We request that \$2 million be added to our base budget for Resource Management programs, as funds for this program have not been increased since 1991.

**BIA: Human Services.** We support the President's proposed increase in funding for Human Services programs including those funded through TPA, such as the Indian Child Welfare Act program but urge Congress to increase funding by more than the \$2 million proposed. A larger increase is needed to address the impact that the methamphetamine epidemic has on not only public health and safety, but also on child protection, child welfare and foster care services. Increased funding for social services and ICWA programs are essential if Tribes are to have any realistic hope of protecting Indian children, preventing domestic violence, and fostering Indian families.

**Indian Health Service.** We fully support the President's proposed increase in funding for Indian Health Service and appreciate the commitment that the Administration and Congress have made to address the funding needs for health care in Indian country. The President's proposed increase is essential to address the high rates of medical inflation and the substantial unmet need for health care among Indian people. Indians at Fond du Lac, like Indians throughout the Nation, continue to face disproportionately higher rates of diabetes and the complications associated with diabetes, than the rest of the population. Heart disease, cancer, obesity, chemical dependency and mental health problems are also prevalent among our people. While other federal programs, like Medicare and Medicaid, have seen annual increases in funding to address inflation, the budget for IHS has never had comparable increases, and, as a result, IHS programs have consistently fallen short of meeting the actual needs. All Indian tribes should receive 100% of the Level of Need Formula (LNF), which is absolutely critical for tribes to address the serious and persistent health issues that confront our communities. The Band serves approximately 6,707 Indian people at our clinics, but the current funding level meets only 38% of our health care funding needs.

In conclusion, the needs at Fond du Lac and throughout Indian Country remain massive. Your support on these funding issues is essential to our ability to maintain vitally important programs and improve the delivery of services to Band members. Miigwech. Thank you.

Written Testimony for the Congress of the United States,  
House of Representatives, Committee on Appropriations Washington, D.C.

March 26, 2010

TO: Subcommittee on Interior and Related Agencies Appropriations

RE: U.S. Fish and Wildlife Service  
Back Bay National Wildlife Refuge  
Appropriations Request for FY 2011 \$1.0 million

Witness: Molly P. Brown, President, Friends of Back Bay  
2232 Sandpiper Road  
Virginia Beach, Virginia 23456  
(757) 721-5011

I am Molly Brown from Virginia Beach, Virginia. I am the President of Friends of Back Bay, a group of over 150 dedicated volunteers who are committed to the protection of the Back Bay National Wildlife Refuge. Located in southeastern Virginia Beach, Back Bay National Wildlife Refuge (Refuge) was established on February 29, 1938, as a 4589-acre refuge and breeding ground for migratory birds. We thank Congress for their continued support of this project. The Director of the U.S. Fish and Wildlife Service approved a Refuge boundary expansion on May 7, 1990. The expansion area includes 6340 acres of important wildlife habitat. To date the Fish and Wildlife Service has been able to acquire 4988 acres.

In order to continue the Back Bay Refuge expansion project, we respectfully request \$1.0 million for FY '11. This money will help to fill in the mosaic pattern of small land parcels from willing sellers who have been waiting patiently to sell their land to the Refuge. This continuing project was first funded by Congress in 1990. With only a few remaining parcels to purchase, we hope Congress will want to see this Back Bay project completed.

The enclosed map gives a visual description of the Acquisitions through 2009 and the remaining parcels by priority to be purchased from willing sellers within the Back Bay National Wildlife Refuge proposed acquisition boundary. Here is a brief description of each parcel.

FY 2010:

1. Rice: Tract 249 - \$425K – 8 Acres – Closing this Fiscal Year (2010) with LWCF funds appropriated. This project uses most of the appropriated funds with the remainder (\$120K) to be “banked” in combination with future funds to complete acquisitions, as listed below.  
**Project Description** - valuable riparian/wetland habitat on the southern bank of Nanney's Creek. This Creek has been identified as one of Virginia Beach's "impaired waterways" by the State DEQ. Cooperative efforts by private landowners (mostly farmers), the City of Virginia Beach, the State of Virginia and Back Bay NWR are ongoing to restore the water

quality of this tributary of Back Bay. This property is adjacent to existing Refuge property on its north and east boundaries.

FY 2011:

2. Brown: Tract 193 - \$216K – 18 Acres. **Project Description** - Mostly forested wetlands on the west side of Back Bay with existing valuable habitat for migratory birds, especially neotropical migrants. This property is within the original Refuge acquisition boundary and is adjacent to existing Refuge property on three sides (North, East, and South). Option to purchase in effect.
3. Johnson: Tract 173 - \$402K – 30 Acres. **Project Description** – Emergent marsh habitat adjacent to Ashville Bridge Creek with existing valuable habitat for migratory birds, especially waterbirds. This property is within the original Refuge acquisition boundary and is adjacent to existing Refuge property on three sides (North, East, and West). Option to purchase in effect.
4. Van Nostrand: Tract 250 - \$200K – 15 Acres. **Project Description** - This property has been cleared, and is ready for farming and/or development. Although the current habitat has little wildlife value, reforestation of this parcel, as Back Bay NWR has done with so many other parcels, will serve as quality habitat for a variety migratory birds, especially neotropical migrants. Option to purchase in effect.
5. Griffith: Tract 100c, d and e - \$250K – 105 Acres. **Project Description** - Emergent marsh habitat on the east side of Back Bay. This property already supports a wide variety of nesting and wintering migratory birds, especially waterfowl. Because this parcel is located on the bay side of the highly developed Sandbridge area of Virginia Beach, failure to acquire this piece could result in increased private recreational boating facilities by individuals who own lots/houses adjacent to this property. The Refuge is currently partnering with The Conservation Fund to appraise and acquire this parcel.

Good things continue to happen at Back Bay! A new educational project to enhance the wildlife viewing opportunities of the public is the “windows on wildlife.” This one-way glass will allow the public to watch migratory birds without being seen by and thus disturbing the waterfowl. This project opened this winter. On a recent January day, the pond featured a visual smorgasbord of tundra swans, Canada geese, black ducks, snow geese, mallards and pied-billed grebes. A red-tail hawk flew close to the building and landed on the branch of a nearby tree. This “national treasure” received 150,000 visitors in 2009.

This March the Back Bay Restoration Foundation conducted its 9th annual Back Bay Forum 2010. There were presentations on research and data collected within the Back Bay watershed, followed by an opportunity for participants to identify future research and action needed for the health of the bay system. Scientists stated that conditions are improving since last year. The water clarity is better and vital underwater grasses are growing again. Large numbers of ducks are coming back. The local hunters had a very successful season.

I wish to extend my appreciation for the funding that you appropriated through FY '09. The \$545,000 that was appropriated in FY'09 has purchased 8 acres of a key parcel along Nanney's Creek. To date we have purchased 4988-acres of the proposed 6340-acre expansion. This means

that this project is over 78% completed in seventeen years. Thank you for the opportunity to comment on this important project.

Respectfully submitted,

*Molly P. Brown*

Molly P. Brown  
President

March 18, 2010

The Honorable Jim Moran  
Chairman  
Interior Appropriations Subcommittee  
B-308 Rayburn House Office Building  
Washington, DC 20515

Shelia Hargis  
President  
Friends of Balcones Canyonlands National Wildlife Refuge  
P.O. Box 4678  
Lago Vista, Texas 78645  
(512) 294-0272

Dear Chairman Moran and Honorable Members of the Subcommittee,  
My name is Shelia Hargis and I am President of the Friends of Balcones Canyonlands National Wildlife Refuge. I am writing on behalf of the Friends of Balcones group to request funding to complete the land acquisition for Balcones Canyonlands National Wildlife Refuge in Central Texas. As a first step toward that goal, I am requesting \$20 million from the Land and Water Conservation Fund for 2011. Completing the Refuge is anticipated to cost approximately \$87 million in today's dollars, so acting now is especially important for monetary reasons and because of the intense pressure from urban expansion that is occurring within the Refuge acquisition boundary.

An appropriation of \$20 million will allow the Refuge to purchase several large ranches as well as numerous smaller tracts before they are subdivided and developed or the land values increase. This amount will allow the Refuge to purchase the 3,000 acre Three Creeks Ranch in one transaction instead of multiple transactions over several years. The rolling hills and steep canyons on this ranch provide nesting habitat for the Golden-cheeked Warbler and potential for Black-capped Vireo habitat management. The purchase of this large tract will also protect habitat for additional endemic species in the Hill Country as well as the unusual Karst topography of the Edwards Plateau. The ranch is situated near other Refuge property.

Federal money to purchase land has been minimal and definitely not enough to make much of a difference in an area of very high land prices. In the past, the Refuge staff had to prioritize their purchases to some degree on the amount of money they were given. They were not able to strictly prioritize purchases based on conservation concerns such as quality of habitat or location contiguous to existing Refuge property.



Twenty million dollars will allow Refuge staff to approach the numerous willing sellers in an organized manner to maximize landscape level conservation efforts.

Balcones Canyonlands National Wildlife Refuge was created as a part of the Balcones Canyonlands Conservation Plan (BCCP) in 1992. The BCCP was a contract between local governmental agencies and the federal government that protects endangered wildlife while allowing for responsible development. The BCCP is seen as a model for landscape level conservation and other governmental agencies are creating similar plans based on the BCCP.

The main issue with the BCCP is that the land acquisition for the Refuge is only slightly over 50 percent complete 17 years after the plan was implemented. The Refuge is situated in one of the fastest growing areas of the country, the Texas Hill Country. Already four housing developments exist within the Refuge acquisition boundary and more are expected. The longer it takes to complete the Refuge, the less likely it is that the Refuge will achieve its goals of protecting sustainable populations of the endangered species it was created to protect. Not only will an incomplete Refuge fail to protect its endangered species, the BCCP as an effective conservation model will fail.

In addition to protecting endangered species, the Balcones Canyonlands National Wildlife Refuge is a source of eco-tourism for the surrounding area. Birders from around the nation come to the Refuge to see the Golden-cheeked Warbler and the Black-capped Vireo. The Refuge also offers Central Texans and visitors a variety of other recreational opportunities compatible with wildlife protection. Once completed, Balcones Canyonlands NWR will provide additional accessible public outdoor areas, identified as a critical need in a study for the Texas Parks and Wildlife Department. The Refuge has been described as one of the *Last Great Places* by the Nature Conservancy and as an "Important Bird Area" by two national conservation groups based on its **global importance** to the survival of the endangered Warbler and Vireo.

The Friends of Balcones Canyonlands NWR is a nonprofit, volunteer organization. Our mission is to support, complete, and enhance Balcones Canyonlands NWR and to promote the Refuge's use for recreational, educational, and scientific purposes. Our membership is drawn primarily from Central Texas communities situated near the Refuge.

In closing, thank you for considering my request of \$20 million. I do not make this request lightly. I make this request because my organization and I are passionate about our Refuge, and due to the challenges outlined above, we no longer have the luxury of making "reasonable" requests. Your actions in support of my request will significantly improve our chances for creating a fully functioning Refuge as well as support

conservation plans as a viable tool in balancing the needs of conservation and development. I very much appreciate your attention to this matter and thank you for the opportunity to present this statement to the Subcommittee.

Respectfully submitted,

Shelia Hargis  
President  
Friends of Balcones Canyonlands National Wildlife Refuge

Martin O'Connor, President  
 Friends of Blackwater National Wildlife Refuge  
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**TESTIMONY  
 BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR AND  
 RELATED AGENCIES CONCERNING FISCAL YEAR 2011 APPROPRIATIONS  
 March 17, 2010**

Mr. Chairman and Members of the Subcommittee:

On behalf of the FRIENDS OF BLACKWATER NATIONAL WILDLIFE REFUGE located near Cambridge, Maryland, I am submitting testimony for the House Appropriations Subcommittee on Interior and Related Agencies concerning the fiscal year 2011 budget for the National Wildlife Refuge System. We respectfully request that the Subcommittee support the following funding levels:

- \$578 million in FY 2011 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account;
- Fully fund the the Land and Water Conservation Fund (LWCF) at \$900 million including \$300 million for the National Wildlife Refuge System (NWRS), and pass S. 2747, legislation to ensure dedicated and full funding to the LWCF;
- Increase funding to \$210 million for key Fish and Wildlife Service partner-based programs including Landscape Conservation Cooperatives (LCC's), Partners for Fish and Wildlife, State Wildlife Grants, the Coastal Program and the North American Wetlands Conservation Act;
- Fund the NWRS Construction account at \$100 million for large scale habitat restoration projects and visitor service facilities;

An astonishing 20% of all work that occurs on wildlife refuges is contributed by over 30,000 volunteers each year. Critical to facilitating this remarkable commitment is the reauthorization of the Volunteer and Community Partnership Act which encourages the use of volunteers to assist the FWS in refuge management as appropriate. We also urge Congress to fund the Department of Interior's Challenge-Cost Share Program. This program was created to leverage funding through strategic partnerships that would not be achieved by the federal government on its own. We are concerned that not funding the program would have significant adverse impacts to conservation and environmental education programs at refuges nationwide.

It is necessary that the National Wildlife Refuge System budget by about \$20 million each year in order to maintain services and programs from the previous year. This increase accounts for cost-of-living increases for FWS personnel, growing rent and real estate costs and other cost increases, while sustaining current levels of visitor services and wildlife management. Funding the O&M account at \$578 million would allow the Refuge System to avoid further employee layoffs and reductions in services that are important at the Blackwater NWR and Chesapeake Marshlands Wildlife Complex, and to the over 150,000 who visit the Blackwater NWR each year, while also preventing the approximately \$3.5 billion National Wildlife Refuge System O&M backlog from growing larger. While refuges received an increase for FY 2010, the National Wildlife Refuge System is still not funded at the level it was in FY 2003 when adjusted for inflation. Because of this, refuges such as ours, the Blackwater NWR, struggle to meet their most basic wildlife conservation objectives.

Refuges are also vital economic engines in the local economy, fueling hotel stays, restaurant patronage and much, much more. According to *Banking on Nature*, a 2007 report by the U.S. Fish and Wildlife Service, recreational visits to national wildlife refuges generate substantial economic activity. Nearly 35 million people visited national wildlife refuges in 2006, generated over \$1.7 billion for local economies – including 27,000 jobs and \$185 million in tax revenues. Eighty-seven percent of all economic activity generated by refuges is from non-resident visitation. These visitors contribute to the local economy through patronage of local hotels, restaurants, outfitters and gas stations to name just a few examples. We simply cannot afford to lose these local economic engines. Supporting our refuges with adequate funding is an effective method of resisting the economic depression with which the nation is currently struggling.

The Appropriations Subcommittee on Interior and Related Agencies should provide strong funding for Refuge System Visitor Services programs and Visitor Facility Enhancement Projects. Visitor Services funding pays for many Friends and volunteer programs. We depend on this funding for programs that allow us to remain effective stewards of our refuge.

Recognizing invasive species as a top threat to our refuge lands, we also ask the Committee to continue their support by again providing adequate funding for cooperative projects with Friends groups and volunteers on invasive species control. This funding supports worthy programs like competitive grants for Friends groups and the Volunteer Invasives Monitoring Program. Utilizing the energy and enthusiasm of Friends and volunteers is a proven, effective and economical partnership for the National Wildlife Refuge System and U.S. Fish and Wildlife Service.

We encourage the Subcommittee to allocate sufficient funding to assess and purchase high-priority water rights and high-priority lands and conservation easements through the Land and Water Conservation Fund (LWCF), \$900 million. Inadequate water quantity and quality represent some of the biggest obstacles for refuges to overcome and unfortunately, many refuges do not own the water rights on the refuge or they are not guaranteed an allocation of water from a river or stream. The FWS is currently compiling a needs-based priority database of where water rights need to be secured, and we urge the Subcommittee to allocate sufficient funding to allow the FWS to acquire these essential rights while they are available and affordable. Also,

The Refuge System land acquisition backlog is estimated at more than \$4 billion, with over 15 million acres remaining to be acquired within approved refuge boundaries. While a full suite of conservation strategies should be employed in working with private landowners, in cases where fee title acquisition is preferred by the landowner and the refuge has identified it as a top priority, the FWS should acquire the land.

We encourage the Subcommittee to allocate \$10 million for the National Fish and Wildlife Foundation through the FWS' Resource Management General Administration appropriation. Each year, NFWF receives more project proposals than they are capable of funding. Adequate funding will ensure NFWF has the ability to leverage resources to fund projects that directly benefit diverse species in, around and outside of national wildlife refuges across the country.

Again, on behalf of the FRIENDS OF BLACKWATER NATIONAL WILDLIFE REFUGE ASSOCIATION, INC., we thank you for your consideration of our requests. If you have any questions, we would certainly be happy to help in any way.

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**Testimony of Dr. John Grego, President, Friends of Congaree Swamp**

**In Support of LWCF Appropriation of \$1.4 Million for  
Congaree National Park, South Carolina  
National Park Service**

**House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James P. Moran, Chairman  
The Honorable Michael K. Simpson, Ranking Member**

**March 18, 2010**

Mr. Chairman and Members of the Subcommittee:

We enthusiastically support President Obama's FY 2011 Budget request for \$1.4 million from the Land and Water Conservation Fund for the National Park Service to purchase land at Congaree National Park. This funding will enable the Park Service to complete acquisition of the 1,840-acre Riverstone tract for Congaree National Park.

Congaree Swamp National Monument was authorized as a National Park Service unit in 1976. In 2003, Public Law 108-108 elevated Congaree to a National Park – South Carolina's only National Park – and authorized a boundary expansion of 4,576 acres. Two tracts – the 1,840-acre Riverstone tract and the 2,395-acre Bates Fork tract – comprise almost 93 percent of the authorized boundary expansion.

Congaree National Park – on the floodplains of the Congaree and Wateree rivers – is recognized as an International Biosphere Reserve, a National Natural Landmark, a Wilderness Area, and an Important Bird Area. Currently, it is being nominated for recognition as a Wetland of International Importance. All waters within the park's pre-2003 boundary are designated Outstanding Resource Waters, and much of Cedar Creek within the park is designated Outstanding National Resource Waters. Congaree River Blue Trail, bordering the park for over 25 miles, is a National Recreation Trail.

With more than 75 species of trees, Congaree harbors the nation's largest tract of old-growth bottomland hardwood forest. Trees in this floodplain forest are some of the tallest in the eastern U.S., and form one of the tallest temperate deciduous forest canopies in the world.

More than 195 species of birds have been observed within the park. If the Ivory-billed Woodpecker has survived in the United States, Congaree National Park is considered prime habitat for recovery of this species.

Congaree National Park also offers excellent opportunities for recreation. A 2.5-mile boardwalk loop provides easy access into Congaree's forest, and more than 20 miles of trails are available for hiking. Visitors enjoy canoeing and kayaking on Cedar Creek. Outdoors enthusiasts can also enjoy fishing, camping, birding, and picnicking.

As mentioned above, the 1,840-acre Riverstone tract and the 2,395-acre Bates Fork tract comprise almost 93 percent of the park boundary expansion which Congress authorized in 2003. The National Park Service purchased the Bates Fork tract in 2005, using a \$6 million appropriation in FY 2005.

Since then, the Park Service has focused on acquiring the 1,840-acre Riverstone tract. This tract is forested floodplain, with frontage on the Congaree River. Riverstone acquisition will connect a conservation corridor of more than 42,000 acres of federal and state lands along the Congaree, Wateree, and Santee rivers.

In addition to its biological resources, the Riverstone tract has significant geological and hydrological resources, including Running Lake, Running Creek, and an oxbow lake known as Bates Old River – the remnant of a 4-mile-long former channel of the Congaree River. No other oxbow lake in the Congaree floodplain can compare to Bates Old River in size, hydrological dynamics, accessibility, or as a recreational resource. This oxbow is flanked by the best-defined ridge and swale topography in the Congaree floodplain.

The Riverstone tract also has significant cultural and historical resources, including a prehistoric mound constructed by Native Americans during the Woodland Period (1000 B.C. to A.D. 1000). The history of McCord's Ferry (established before 1750 as Joyner's Ferry) is intertwined with the Riverstone tract. Patriot and British forces used McCord's Ferry during the American Revolution.

Accordingly, acquisition of the Riverstone tract for Congaree National Park will add opportunities for visitor access, education, recreation, wildlife and habitat protection, and research.

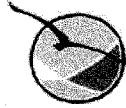
Richland County Council unanimously adopted a resolution in 2007, endorsing federal funding to purchase the Riverstone property for Congaree National Park. The resolution identifies Congaree National Park as an attraction in the Lower Richland Heritage Corridor – to promote heritage tourism in the region.

Recognizing the Riverstone tract as a key priority for acquisition, the National Park Service identified \$500,000 in existing funds in 2008 to purchase 156.25 acres. A \$2.69 million appropriation by Congress in FY 2009 enabled the Park Service to purchase 837.75 acres. The \$1.32 million appropriation in FY 2010 enables the Park Service to purchase 412.5 acres by March 31, 2010.

Because of its configuration, most of the Riverstone property is inaccessible to park visitors until the entire tract is acquired. A Fiscal Year 2011 appropriation of \$1.4 million – requested by President Obama – will enable the National Park Service to promptly purchase the final 434 acres, thereby completing acquisition of the 1,840-acre Riverstone tract at Congaree National Park.

Thank you, Mr. Chairman, for your previous support of Congaree National Park and for your consideration of President Obama's FY 2011 request for \$1.4 million.





## Friends of Maine Seabird Islands

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Written Testimony of  
Jane T. Hopwood, President, Friends of Maine Seabird Islands  
to  
House Committee on Appropriations; Subcommittee on Interior, Environment  
and Related Agencies  
March 18, 2010

### Funding for National Wildlife Refuge System

Mr. Chairman and Members of the Subcommittee:

I am the President of the Friends of Maine Seabird Islands, an all-volunteer, membership organization whose mission is “to support the Maine Coastal Islands National Wildlife Refuge in its efforts to conserve, protect and enhance the rich diversity of coastal habitats, seabirds and other wildlife.”

We appreciate the opportunity to submit this written testimony.

First let me emphasize that we are grateful that we have a National Wildlife Refuge on the coast of Maine. Why? For many reasons, all of which lead back to the positive economic and social benefits that are produced by the conservation of wild lands and wise use of our natural resources. The 2006 National Survey of Hunting, Fishing and Wildlife-Associated Recreation, found that, in Maine alone, hunters, fishers, and wildlife watchers generated nearly \$1.5 billion in revenue for Maine. Clearly, wild lands and healthy fish and wildlife populations are important to this state’s economy, and the National Wildlife Refuges in Maine are a significant part of that!

The economic benefits of conservation are not limited to Maine. One of our government’s greatest conservation achievements, the National Wildlife Refuge System, plays a huge role in the contribution of conservation to our nation’s economy. Refuges provide a significant economic return for our country, creating nearly 27,000 jobs and

over \$1.7 billion in economic activity, a figure more than three times greater than the operations and maintenance funding the Refuge System receives! Between 2004 and 2009, visitor-generated sales to regional economies increased from an estimated \$862 million per year to over \$1.2 billion per year. Funding the National Wildlife Refuge System is exactly the kind of government investment that we need in these tough economic times!

While we are concerned, like all Americans, with reducing the size of the Federal budget deficit, we do not agree that cutting the Refuge System's budget is wise. The President has proposed a \$3.3 million funding decrease for the Refuge System for FY11. Because the Refuge System needs at least \$15 million more annually to address the increased costs associated with managing 150 million acres, the President's budget request is actually a cut of \$18.3 million! Please do not let this happen!

And finally, volunteers throughout the country, such as our group, provide an astonishing 20% of the work done of Refuges each year! This is a further indication of how many Americans support the National Wildlife Refuge System. However, we need proper funding of the System so we can leverage our taxpayer dollars to provide even more economic and social benefits to our country.

Therefore, we respectfully request that you:

- Fund the NWRS operations and maintenance account at \$578 million for FY11;
- Fully fund the Land and Water Conservation fund at \$900 million, with \$300 million dedicated to the NWRS;
- Fund the NWRS construction account at \$100 million for large-scale habitat projects and construction of visitor facilities;
- Increase funding to \$210 million for partner-based programs such as the Landscape Conservation Cooperatives.

Let me also add that with all the negative stories in the press today about government appropriations and politics, the National Wildlife Refuge System remains a positive success story since the first Refuge was created by President Theodore Roosevelt over 100 years ago. It has always enjoyed support from Congress and we thank you for that, and for your continued support!

**Testimony of Bill Durkin, President  
Friends of Rachel Carson NWR  
In Support of Funding for the National Wildlife Refuge System  
Land and Water Conservation Fund, U.S. Fish and Wildlife Service  
House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

March 19, 2010

Mr. Chairman and Honorable Members of the Subcommittee: I am Bill Durkin, President of the Friends of RCNWR in Maine.

I have been a member of the Friends of Rachel Carson NWR for the past 19 years. The group was founded in 1987; we are a small group of about 200 members. This time of the year all of the letters go out to Congress asking for support of the refuge. I have given numerous written statements over the years and we really appreciate your support in the past. This year, our refuge is not requesting any appropriations directly for Rachel Carson National Wildlife Refuge; this is a request for general funding of the System. I thank you all for your consideration.

\*\*\* 1. We are requesting an overall funding level of \$578. Million for the operations and maintenance budget of the National Wildlife Refuge System, managed by the US Fish and Wildlife Service. All of the refuges are in dire need of staffing and upkeep. Refuges provide unparalleled opportunities to hunt, fish, watch wildlife and educate children about the environment. Without increased funding for refuges, wildlife conservation and public recreation opportunities will be jeopardized.

\*\*\*\* 2. The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. I support the LWCF Coalition's recommendations to increase funding for federal LWCF to \$425 million, stateside LWCF to \$175 million, and the allocation of \$150 million for the complimentary Forest Legacy Program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

I applaud the LWCF funding increases provided by this committee in FY10. And, we are most thankful that the Obama Administration Budget recognizes the importance of these programs by proposing significant increases for FY 10 and setting a goal to achieve full funding of the LWCF in the next five years. The Land and Water Conservation Fund should be fully funded at \$900 million annually - the congressionally authorized level.

The Rachel Carson National Wildlife Refuge is named in honor of one of the nation's foremost and forward-thinking biologists. After arriving in Maine in 1946 as an aquatic biologist for the U.S. Fish and Wildlife Service, Rachel Carson became entranced with Maine's coastal habitat, leading her to write the international best seller *The Sea Around Us*. This landmark study, led Rachel Carson to become an advocate on behalf of this nation's vast coastal habitat and the wildlife that depends on it, the refuge that bears her name is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast.

Thank you again, Mr. Chairman, for the opportunity to present this testimony in support of protecting wildlife and its habitat. A Happy Spring and Earth Day to you.

**Charles Hoover, President**

Friends of Shiawassee National Wildlife Refuge  
4645 Brockway Rd  
Saginaw MI, 40638

## TESTIMONY

### BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR 2011 APPROPRIATIONS

March 17, 2010

Mr. Chairman and Members of the Subcommittee:

My name is Charles Hoover, President of the **Friends of Shiawassee National Wildlife Refuge**. On behalf of our 578 registered members of our Friends group, thank you for your strong support for the National Wildlife Refuge System (NWRS) during the past few years. However, our refuge is still reeling from the lack of funding increases from several years back. We have regained some of the needed staff and some of the funding needed for our refuge operation and maintenance. However, as our refuge develops expanded habitat for our wildlife and strengthens the ways that the citizens of our community and visitors to the refuge can view and understand the impact that our refuge provides in conservation of wildlife, an increase in funding is greatly needed to continue the program. Our refuge increased funding would come through increased funding of the NWRS. Therefore, I thank you for the opportunity to offer comments on the fiscal year **2011 Interior Appropriations bill**. We respectfully request the Subcommittee support:

- . **\$578 million for operations and maintenance accounts**
- . **Fully fund the Land and Water Conservation Fund (LWCF) at \$900 million**
- . **Urge Congress to fund the Department of Interior's Challenge-Cost Share Program**

#### **National Wildlife Refuge Funding – O & M and Construction:**

The NWRS will need at least \$765 million in annual operations and maintenance funding by 2013 to properly administer its refuges as mandated in the Refuge Improvement Act. To reach this level, we respectfully request that you provide the increase to \$578 million in FY2011 for that program. At our Shiawassee NWR we greatly feel the need as our refuge is comprised of rebuilt water impoundments to replace the original wetlands that the wildlife still need. Our refuge operation involves continued maintenance and construction of this system, including 35 miles of dike, 20 miles of road, and 26 water control structures or pump stations.

**The Land and Water Conservation Fund:**

We call upon Congress to fully fund the Land and Water Conservation Fund at its authorized level of \$900 Million, including \$300 million for strategic land and easement acquisitions by the Refuge System. This is of great importance to the Shiawassee NWR as we are trying to follow our Refuge Management Concept Plan. It calls for additions to the refuge for land protection on the tributary rivers into the refuge. Along with the normal benefits of preservation of waterfront properties, these would provide needed refuge areas for the migrations of water based wildlife to and from our central refuge area.

**The Department of Interior's Challenge-Cost Share Program:**

Challenge-Cost Share programs are a place where Friends groups like ours can team up with a refuge to acquire such grants and to provide volunteers to assist in the programs. There are many directions that such challenge-cost share programs can go. At Shiawassee NWR, we are using them to complete studies on the wildlife that uses the refuge to create a better understanding of their needs and habitat requirements. We therefore urge Congress to fund the Department of Interior's Challenge-Cost Share Program so that more refuges may realize the benefits of these grants toward their special operational needs.

In conclusion, the National Wildlife Refuge System can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of us volunteers. The Friends of Shiawassee NWR on behalf of the 59,000 visitors to our refuge, extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System.



Leigh Ann Vradenburg, Executive Director  
 The Friends of the Bosque del Apache National Wildlife Refuge  
 P.O. Box 340  
 San Antonio, New Mexico 87832

**WRITTEN TESTIMONY  
 TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,  
 ENVIRONMENT, AND RELATED AGENCIES  
 CONCERNING FY2011 APPROPRIATIONS  
 March 19, 2010**

Mr. Chairman and Members of the Subcommittee:

The Friends of the Bosque del Apache National Wildlife Refuge wish to express their sincere thanks for your efforts to increase funding for the National Wildlife Refuge System. We also thank you for again holding a Public Witness Hearing, allowing us to describe our individual refuges and the challenges we face. As the Executive Director of the Friends of the Bosque del Apache National Wildlife Refuge, I submit this written public testimony to offer comments on the fiscal year 2011 (FY11) Interior Appropriations Bill. Specifically, we request a funding level of **\$578 million for the U.S. Fish and Wildlife Service, National Wildlife Refuge System in FY11**, and continuation and funding of the Department of the Interior's Challenge Cost Share Program.

Since FY08, Congress has provided critical funding support for the Refuge System's operations and maintenance, allowing for the temporary suspension of workforce downsizing plans and for urgent projects to be completed. However, the Administration's proposal to cut Refuge System funding by \$3.3 million in FY11 could stall or even reverse recent progress, threatening habitat preservation projects, invasive species eradication, law enforcement capabilities, environmental education, and visitor services for 41 million visitors each year. Such cuts could be devastating for the local communities whose economies rely on the jobs and tourism provided by local National Wildlife Refuges. The economic impact of the Bosque del Apache NWR in New Mexico is significant, as recreational visits to the Refuge generate over \$4.3 million in tax revenue for the region. For every \$1 of the Refuge budget, there is a local economic effect of nearly \$8.

The effectiveness and importance of the Challenge Cost Share Program (CCS) to Bosque del Apache NWR and many other Refuges is undeniable, as it leverages funding through strategic partnerships to achieve much more than through federal funding alone. Shortfalls in the program's reporting and accountability must be corrected through more stringent and enforced guidelines, not by cutting one of the few programs that has truly enabled a broad range of collaborative projects that benefit our natural resources. At Bosque del Apache, CCS has

facilitated water management and habitat improvements, graduate student research projects, youth outdoor education and hunting programs, visitor services improvements, coordination of our annual birding festival (the single greatest income-generating event for our county), and research into the efficiency of current land use and wildlife management practices. The projects totaled \$160,000 in CCS funds, but generated more than \$185,000 in matching contributions, accomplished projects across the spectrum of USFWS objectives, and fostered partnerships with educational institutions, non-profit agencies, and state agencies.

Volunteer organizations such as the Friends provide laudable and needed supplements to the Refuge System, but should not be looked to as substitutes for the Refuge programmatic and operational support that is a proper Federal responsibility. Our commitment to the Bosque del Apache National Wildlife Refuge has allowed us to supplement the economic and educational opportunities for our region. However, we can scarcely maintain, much less grow, the Refuge's capabilities without an adequate Federal budget and mechanisms, such as the Challenge Cost Share Program, for leveraging Friends' support. The Bosque del Apache NWR has often been described as the "Jewel of New Mexico." Yet that description applies not only to the amazing natural resource that is the Bosque, but also to the Refuge's role as an economic engine. Its role in our community, in our economy, and in the broader mission of restoring and preserving our natural heritage is why we must do what we can to help it thrive. As our cities grow and water demands increase, future generations will need the Bosque del Apache NWR and the lessons it is teaching us to help us appreciate the delicate ecological balance that exists in the Southwest and beyond. We can never underestimate the importance of National Wildlife Refuges to our children's futures, to the environment, and to our economies.

We encourage you to help us make a difference by funding the National Wildlife Refuge System at \$578 million in FY11, and by ensuring that the Department of the Interior's Challenge Cost Share Program is funded.

Thank you for your time and consideration, and please contact me if you have any further questions.

Sincerely,  
*Leigh Ann Vradenburg* (via email)  
Executive Director, Friends of the Bosque del Apache NWR  
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friends@sdn.org  
575-838-2120



Angeolace Blue-McLean, President  
Friends of the Chassahowitzka National Wildlife  
Refuge Complex, Inc.  
1502 SE Kings Bay Drive  
Crystal River, FL 34429

**TESTIMONY  
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR,  
ENVIRONMENT AND RELATED AGENCIES  
CONCERNING FISCAL YEAR 2011 APPROPRIATIONS  
March 19, 2010**

Mr. Chairman and Members of the Subcommittee:

On behalf of Friends of the Chassahowitzka National Wildlife Refuge Complex, Inc. ("Friends") and its 250 members, I want to thank you for your leadership and strong support for the National Wildlife Refuge System (NWRS) and increased funding over the past few years. I offer this testimony also on behalf of the National Wildlife Refuge Association, whose membership is comprised of current and former Fish and Wildlife staff, more than 191 Affiliate Friends groups nationwide, and thousands of private citizens across the country that support our nation's wildlife refuges.

I further thank you for the opportunity to offer comments on the fiscal year 2011 (FY11) Interior Appropriations bill. Specifically, we respectfully request that the Subcommittee support the following:

- **An overall funding level of \$578 million in FY11 for the operations and maintenance (O&M) budget of the National Wildlife Refuge System, managed by the U.S. Fish and Wildlife Service (FWS); and**
- **An allocation of \$900 million in the Land and Water Conservation Fund (LWCF) budget to protect vital habitat for wildlife and establish key wildlife corridors and connections. We ask that this includes \$300 million for the Refuge System; and**
- **Funding for the Department of Interior's Challenge–Cost Share Program to leverage funding through strategic partnerships to obtain greater conservation objectives than would be achieved by the federal government on its own.**

The Friends, a 501(c)3 organization, were established in September 1998, and is supported by dedicated volunteers and a membership base of over 200 individuals. Our membership is diverse, including sportsmen, educators, business leaders, conservationists, and concerned citizens all across the state of Florida as well as the world.

Contributing thousands of hours of support each year, we help remove invasive plants, provide general maintenance of equipment and buildings on the refuges, and organize cleanups to ensure wildlife is safe from debris like monofilament line and plastic bags. We work closely with our FWS refuge manager to help meet objectives as outlined in each refuge's Comprehensive Conservation Plan (CCP).

The Cooperative Alliance for Refuge Enhancement (CARE) has determined that the Refuge System needs \$900 million annually to protect and care for the more than 550 wildlife refuges and monuments and thousands of prairie wetlands totaling approximately 150 million acres. These lands and waters provide essential habitat for migratory birds and other wildlife, safe havens for endangered species, and \$1.7 billion annually to local economies in compatible recreational opportunities for more than 41 million visitors each year. Our request for \$578 million in O&M for FY11 represents a \$75 million increase over FY10 and builds on the increases in the past 3 years that have allowed the Refuge System to rebound from the dramatic 20% staff reductions in the years prior to this. Although some positions have been refilled, 10% of the workforce has been eliminated. The NWRS needs at least a \$15 million increase each year to prevent reductions in programs and public use. There is still an operations backlog of \$1 billion and a maintenance backlog of \$2.7 billion. We respectfully urge the Congress to incrementally increase funding to restore the Refuge System by carefully considering our request for \$578 million in the FY11 budget.

While providing adequate funding to operate and maintain the Refuge System is of vital importance, most refuges are too small in size to achieve their conservation mission and objectives alone. Their integrity depends on the health of surrounding state, federal, and private lands and waters. Consequently, there is a growing need to provide funding to ensure that lands and waters beyond refuge boundaries are conserved. The Friends encourages the Subcommittee to allocate the full \$900 million funding to assess and purchase high-priority lands and conservation easements through the LWCF. The Refuge System is mandated to be strategically grown, but years of inadequate funding for land acquisition has resulted in the loss of many important habitats. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas. The Obama Administration has made full funding for LWCF by FY14 a top priority and we request Congress to make this a priority also. We urge the Subcommittee to allocate the full \$900 million funding in FY11 to allow the NWRS to acquire lands and easements while they are available and affordable.

Our refuge has benefited from the funding for the LWCF. We have received \$1.5 million in FY09 and another \$1.5 million FY10 that will allow us to purchase 57 acres of critical habitat for the endangered West Indian Manatee – one of the most charismatic species our country has. We invite the Subcommittee and staff to come for a visit and see how the valuable LWCF funding is being used as well as see the challenges we face and our plans to educate the public about manatees. In the meantime, please visit [www.friendsofchazz.org](http://www.friendsofchazz.org) to learn more about our wonderful refuges.

In conclusion, the Friends of the Chassahowitzka National Wildlife Refuge believes the National Wildlife Refuge System can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge staff and volunteers. We extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and encourage you to approve \$578 million for the FY11 NWRS O&M budget managed by FWS and to approve \$900 millions for FY11 for the LWCF land acquisition budget as well as funding the Department of the Interior's Challenge-Cost Share Program.

Barbara Howard, President  
 Friends of the Tampa Bay National Wildlife Refuges, Inc.  
 PO Box 40782  
 St. Petersburg, FL 33743-0782

**TESTIMONY  
 BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS  
 SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
 CONCERNING FISCAL YEAR 2011 APPROPRIATIONS  
 March 16, 2010**

Mr. Chairman and Members of the Subcommittee:

On behalf of Friends of the Tampa Bay National Wildlife Refuges and its 130 members, I want to thank you for your leadership and strong support for the National Wildlife Refuge System (NWRS) and increased funding over the past few years. I further thank you for the opportunity to offer comments on the fiscal year 2011 (FY11) Interior Appropriations bill. Specifically, we respectfully request that the Subcommittee support the following:

- **An overall funding level of \$578 million in FY11 for the operations and maintenance (O&M) budget of the National Wildlife Refuge System, managed by the U.S. Fish and Wildlife Service (FWS); and**
- **An allocation of \$900 million in the Land and Water Conservation Fund (LWCF) budget to protect vital habitat for wildlife and establish key wildlife corridors and connections. We ask that this includes \$300 million for the Refuge System; and**
- **Funding for the Department of Interior's Challenge-Cost Share Program to leverage funding through strategic partnerships to obtain greater conservation objectives than would be achieved by the federal government on its own.**

FTBR is a 501(c)3 non-profit organization. We are a group of members and volunteers who support Egmont Key, Passage Key and the Pinellas National Wildlife Refuges in the Tampa Bay area of Florida. Contributing thousands of hours of support each year, we help remove invasive plants, provide support to critical bird nesting sites through "bird steward" public outreach each weekend during nesting season, provide general maintenance of equipment and buildings on the refuges, and organize island cleanups to ensure wildlife is safe from debris like monofilament line and plastic bags. We work closely with our FWS refuge manager to help meet objectives as outlined in each refuge's Comprehensive Conservation Plan (CCP).

The Cooperative Alliance for Refuge Enhancement (CARE) has determined that the Refuge System needs \$900 million annually to protect and care for the more than 550 wildlife refuges and monuments and thousands of prairie wetlands totaling approximately 150 million acres. These lands and waters provide essential habitat for migratory birds and other wildlife, safe havens for endangered species, and \$1.7 billion annually to local economies in compatible recreational opportunities for more than 41 million visitors each year. Our request for \$578

million in O&M for FY11 represents a \$75 million increase over FY10 and builds on the increases in the past 3 years that have allowed the Refuge System to rebound from the dramatic 20% staff reductions in the years prior to this. Although some positions have been refilled, 10% of the workforce has been eliminated. The NWRS needs at least a \$15 million increase each year to prevent reductions in programs and public use. There is still an operations backlog of \$1 billion and a maintenance backlog of \$2.7 billion. We respectfully urge the Congress to incrementally increase funding to restore the Refuge System by carefully considering our request for \$578 million in the FY11 budget.

While providing adequate funding to operate and maintain the Refuge System is of vital importance, most refuges are too small in size to achieve their conservation mission and objectives alone. Their integrity depends on the health of surrounding state, federal, and private lands and waters. Consequently, there is a growing need to provide funding to ensure that lands and waters beyond refuge boundaries are conserved. FTBR encourages the Subcommittee to allocate the full \$900 million funding to assess and purchase high-priority lands and conservation easements through the LWCF. The Refuge System is mandated to be strategically grown, but years of inadequate funding for land acquisition has resulted in the loss of many important habitats. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas. The Obama Administration has made full funding for LWCF by FY14 a top priority and we request Congress to make this a priority also. We urge the Subcommittee to allocate the full \$900 million funding in FY11 to allow the NWRS to acquire lands and easements while they are available and affordable.

In conclusion, the Friends of the Tampa Bay National Wildlife Refuges believes the National Wildlife Refuge System can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge staff and volunteers. We extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and encourage you to approve \$578 million for the FY11 NWRS O&M budget managed by FWS and to approve \$900 millions for FY11 for the LWCF land acquisition budget as well as funding the Department of the Interior's Challenge-Cost Share Program.

**Testimony of Joe Kessler, President  
On Behalf of the Friends of Virgin Islands National Park  
In Support of Maho Bay Project  
Virgin Islands National Park, St. John, Virgin Islands  
Land and Water Conservation Fund, National Park Service  
House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Committee:

I appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need at Virgin Islands National Park. An appropriation of \$4.5 million from the Land and Water Conservation Fund (LWCF) is requested in FY 2011 to complete the acquisition of the unique Maho Bay property by the National Park Service. We are very pleased that your subcommittee has already provided a total of \$4.5 million to this project in FY 2009 and FY 2010. Additionally we are pleased this project was included in the President's Budget in FY 2011. However, we respectfully urge the subcommittee to include the full \$4.5 million needed to complete the project, rather than the \$3.75 million President's budget level.

I represent the Friends of VI National Park, a 501(c)(3) non-profit organization, dedicated to the protection and preservation of the natural and cultural resources of Virgin Islands National Park and to promoting the responsible enjoyment of this national treasure. We have more than 3,000 members – 20% of whom live in the Virgin Islands and the balance represent every state in the union.

We carry on the rich tradition of using private philanthropy for the betterment of this park as well as mobilize volunteers and community participation. In our 20 years of work in support of Virgin Islands National Park we have been involved in many initiatives, projects and activities that help this park be a model of natural resource protection and cultural preservation – but none have been as important as our work in support of the acquisition of Estate Maho Bay and its incorporation within the park.

We have played the important role of informing and motivating the community about the issues related to the preservation of Estate Maho Bay. But motivation was hardly needed; the preservation of Estate Maho Bay and ensuring unimpeded access to this spectacular area enjoys near unanimous support among native St. Johnians, residents who have moved here from mainland US and visitors alike – no easy feat for a community that prides itself in its diversity of opinions.

Virgin Islands National Park, located on the island of St. John, is a tropical paradise preserved for the enjoyment and edification of the public. Beautiful white sand

beaches, protected bays of crystal blue-green waters, coral reefs rich in colorful aquatic life, and an on-shore environment filled with a breathtaking variety of plants and birds make St. John a magical place. More than 800 species of trees, shrubs, and flowers are found in the park, and more than 30 species of tropical birds breed on the island, which was designated an international Biosphere Reserve by the United Nations in 1976. St. John is also home to two species of endangered sea turtles, the hawksbill and the green. In addition, the park contains archeological sites indicating settlement as early as 770 B.C. The later colonial history of St. John is also represented by remnants of the plantations and sugar mills established by the Danes in the 18<sup>th</sup> and 19<sup>th</sup> centuries.

One of St. John's most popular eco-campgrounds sits on a cliff overlooking Maho Bay and its pristine white sand beaches. The bay's campgrounds create memorable vacations in the beautiful setting of St. John without sacrificing the delicate ecosystem of the island. Few places on earth match the breathtaking beauty of Maho Bay. A lush forested slope rising nearly 1,000 feet rims its crystal waters and soft white beaches. Hundreds of tropical plant species and more than 50 species of tropical birds fill these lands on the island of St. John, at the heart of the American paradise of Virgin Islands National Park. Just offshore are seagrass beds, green turtles and magnificent coral reefs. This fragile area contains large nesting colonies of brown pelicans, as well as the migratory warblers and terns that winter on St. John. In addition to its natural treasures, the largest concentration of historic plantations and ruins on the island is found within this area.

Available within the Virgin Islands National Park boundaries in FY 2011 is the third phase of a 207-acre acquisition at Maho Bay. This Maho Bay property offers spectacular views of the bay and includes some beachfront. It is extremely important because of their relationship to the whole undeveloped area and its cultural resources.

Though the park boundaries cover a broad area of St. John, the National Park Service actually owns two separated blocks of land. A smaller block covers the northeastern shore of the island, and a larger, more contiguous block extends from the southern to northwestern side. The acquisition of the Maho Bay property would be the first link of these two blocks, ensuring future access, resource connectivity, and seaside protection.

Wetlands in the lower portion of the watershed provide adequate sediment retention for the undeveloped nature of this area. As a result of long-term geological processes, the topography created by these processes and the historical rise of sea level during the past 5,000 years, a large, rare and complicated freshwater dominated wetland developed throughout the basin. It represents a natural stage wetland typical of large watersheds with relatively flat basin topography. The Maho Bay wetland is the largest of this type on St. John and along with the Magens Bay wetland on St. Thomas, one of only a few of this type in the Territory. These wetlands provide habitat to numerous species of shorebirds, water fowl and other wildlife, several listed as endangered under the V.I. Endangered and Indigenous Species Act. Others are protected under various federal laws and treaties.

The land was historically used during the plantation era for agricultural activities such as sugar cane, coconut, and cotton cultivation. The lands include portions of several historic plantation era sugar estates. The Maho Bay area contains the highest density of plantation era estates on St. John. Preservation of these sites is important in reconstructing the history and heritage of St. John. With increasing growth and investment throughout the Caribbean – including places not far from the unspoiled beauty of St. John – this vulnerable land has been the focus of intense development threats. In recent years, more than one investor envisioned private development along these shores, which would have jeopardized the unique character of Maho Bay. Once this land is acquired by the park, future visitors will be treated to spectacular views of Maho Bay and some of the most accessible and scenic shoreline and waters on St. John.

The total estimated fair market value of the 207 acres is \$18.6 million. This property is being made available to the National Park Service for a total of \$9 million over two years, with the balance to be provided through private donations of cash and land value. As \$2.25 million was provided in FY 2009 and another \$2.25 million in FY 2010, this year, an appropriation of \$4.5 million is needed from the Land and Water Conservation Fund toward the purchase of the remaining 131 acres of these valuable lands.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

Mr. Chairman and distinguished committee members, I want to thank you for this opportunity to testify on behalf of this important national protection effort in Virgin Islands National Park. On behalf of the Friends of Virgin Islands National Park and the over one million visitors to the Park each year, I appreciate your consideration of this funding request.

Respectfully submitted by:  
Joe Kessler, President  
Friends of Virgin Islands National Park  
PO Box 811  
St. John, Virgin Islands 00831



**Testimony of Marie Springer, President,  
Friends of Wallkill River National Wildlife Refuge Association  
In Support of Land and Water Conservation Fund funding  
At Wallkill River National Wildlife Refuge, New Jersey  
U.S. Fish and Wildlife Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of acquiring land at Wallkill River National Wildlife Refuge in New Jersey. An appropriation of \$1.75 million is needed in FY 2011 from the Land and Water Conservation Fund in order for the U.S. Fish and Wildlife Service to acquire the 156-acre Kenely property.

The Wallkill River National Wildlife Refuge was established in 1990 to preserve and enhance wildlife habitat in one of the most fertile valleys and natural areas in all of New Jersey. Located within a one-hour drive of New York City, the Wallkill River valley is a resource-rich part of the New Jersey-New York Highlands area. The extent of its forested wetlands and undisturbed grasslands makes the Wallkill River one of the largest high-quality inland waterfowl habitats in the mid-Atlantic region. The refuge provides critical habitat for migratory waterfowl on both the Atlantic Flyway and the Hudson-Delaware corridor and is a major black duck focus area of the North American Waterfowl Management Plan. Large populations of nesting black ducks, wood ducks, blue- and green-winged teal, mergansers, mallards, and pintail frequent the refuge's wetland areas. In addition, the Wallkill River and its tributaries are home to 19 state-listed threatened and endangered species.

Wallkill's many forested wetlands, also known as swamps and bogs, are highly productive and dynamic ecosystems, containing a diverse array of habitat types. They support high numbers of species by providing vital breeding, feeding, and resting grounds for waterfowl and other animal and plant species. Forested wetlands also filter nutrients, wastes, and sediments from the water flowing within them, improving water quality while also providing flood control by stabilizing sediments with their root systems and absorbing excess water. Within the past 200 years, the state of New Jersey has lost an estimated 40 percent of its forested wetlands. The Wallkill River NWR has focused its land acquisition program on protection of the river and its major tributaries through consolidation of significant forested wetland, wetland, and associated upland properties. A recently approved land protection plan expands the refuge boundary to provide greater habitat protection for the federally listed endangered bog turtle.

Available for acquisition within this new refuge focus area in FY 2011 is the 165-acre Kenely tract. This highly developable tract, which abuts refuge-protected lands, encompasses a diversity of habitats including mixed open fields, woodlands, wetlands, and brushlands. It is highly threatened by development because it has significant frontage along Route 284, which now forms the western boundary of the refuge. Along with its diversity of habitat types, the property's varied topography of high-gradient hills and deep valleys support a large number and variety of

wildlife species. The emergent wetlands of the property support a number of reptile and amphibian species such as spotted turtles. The open fields support breeding of state-listed species such as Savannah and grasshopper sparrows and bobolink. This type of habitat is also vital for numerous raptor species during the winter months such as short-eared owls and northern harriers.

An allocation of \$1.75 million from the Land and Water Conservation Fund to the Wallkill River NWR in FY 2011 will ensure the protection of these key 156 acres as part of the refuge's effort to consolidate refuge ownership, conserve important habitat within the refuge's expansion area, increase recreational opportunities, and maintain the water quality in the Highlands region of New Jersey.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in New Jersey, and I appreciate your consideration of this funding request.

Testimony of Claire Goad, President  
Friends of Wertheim National Wildlife Refuge  
PO Box 376  
Brookhaven, NY 11719  
cagoad@optonline.net

Testimony  
Before the House Appropriations Subcommittee on Interior,  
Environment and Related Agencies  
Concerning Fiscal Year 2011 Appropriations  
U.S. Fish and Wildlife Service  
National Wildlife Refuge System

March 18, 2010

Mr. Chairman and Members of the Subcommittee:

I am submitting testimony on behalf of Friends of Wertheim National Wildlife Refuge. (Wertheim National Wildlife Refuge is the Headquarters for the nine refuges in the Long Island National Wildlife Complex in New York.) **We ask that you fund the National Wildlife Refuge System operations and maintenance (O&M) accounts at \$578 million in the fiscal year 2011.** The \$578 million would enable the Refuge System to maintain current levels of visitor services and wildlife management. It is important to note that the Refuge System needs a \$15 million increase each year just to “stay even”. Funding NWRS at \$578 million would allow the Refuge System to do its job of protecting habitat and wildlife in a responsible manner. **It is of the utmost importance that our nation protects and enhances our National Wildlife Refuge System for future generations.**

**Economically, according to the Banking on Nature report produced by the U.S. Fish and Wildlife Service in 2006, federal spending on refuges offers a 4 to 1 return to local economies. Every \$1 you appropriate generates \$4 in local economic activity and in many cases it's much more.** This makes an FY11 appropriation of \$578 a “win-win” for the habitat and wildlife, for educational opportunities, for visitors and for the local economies of the communities surrounding our refuges.

Friends of Wertheim NWR feels that the National Wildlife Refuge System deserves \$578 million in federal funding for FY11 because **U. S. Fish and Wildlife is the federal agency charged with conserving, protecting and enhancing the nation's fish, wildlife and plants for the continuing benefit of the American people.** Another top priority of the Service is connecting people with nature: ensuring the future of conservation. Therefore a priority of federal funding must be to take action. While there is no doubt that our public lands need to be managed through community partnerships/community resources, **the federal government should be the catalyst making this happen.**

When the funding for the National Wildlife Refuge System is compared to the entire national spending it is not even a “blip on the radar screen”. **The National Wildlife Refuge System is one of our “National Treasures” and the dedicated Refuge staff, Friends and volunteers do much with very little.** It is our hope that in 2011 and beyond there is increased funding that will do much more than maintain what we had the previous year. **Only by being “faithful stewards” of all of the National Wildlife Refuges in the United States will we ensure that they will be here for our children and our children’s children. This is why we ask that you support our National Wildlife Refuge System with adequate funding, \$578 million for FY 2011.**

Friends of Wertheim NWR also ask that you:

Provide strong funding for Refuge System Visitor Services programs and Visitor Facility Enhancement Projects. Visitor Services funding pays for many Friends and volunteer programs. The Friends depend on this funding for programs that allow us to remain effective stewards of our refuge.

Pass the Refuge Ecology Protection, Assistance & Immediate Response Act (REPAIR Act), and other legislation to help stop the spread of invasive species.

Fully fund the Land and Water Conservation Fund (LWCF) at \$900 million including \$300 million for the National Wildlife Refuge System (NWRS), and pass S.2747, legislation to ensure dedicated and full funding to the LWCF

Fund the NWRS Construction account at \$100 million for large scale habitat restoration projects and visitor services facilities.

On behalf of Friends of Wertheim NWR thank you for your consideration of our requests.

Sincerely,

Claire Goad  
President



**Testimony of Chris Clark**  
**Commissioner, Georgia Department of Natural Resources**  
**In Support of Land and Water Conservation Fund funding**  
**At Chattahoochee River National Recreation Area, Georgia**  
**National Park Service**  
**House Appropriations Committee**  
**Subcommittee on Interior, Environment, and Related Agencies**  
**The Honorable James Moran, Chairman**  
**The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of acquiring land at Chattahoochee River National Recreation Area in Georgia. An appropriation of \$3.62 million is needed in FY 2011 from the Land and Water Conservation Fund in order for the National Park Service to acquire two properties totaling 36.5 acres. In a demonstration of the importance of this acquisition, the \$3.62 million needed was included in the President's Budget request for FY 2011.

Flowing in a southwesterly direction from the Appalachian Mountains in northeastern Georgia, the Chattahoochee River is a significant recreational and ecological corridor in the Atlanta metropolitan area. Between Atlanta and Chattanooga a series of mountain ridges separated by river valleys cross the landscape. The Chattahoochee River valley is the southernmost in this chain. The river's length and breadth provides an excellent corridor for river recreation and open space for wildlife habitat. With substantial headwaters in the forested mountains of northern Georgia—largely within the Chattahoochee National Forest—the protection of the river's water quality for drinking water and recreation is an important regional and national objective.

The Chattahoochee River National Recreation Area provides much needed recreational opportunities for Georgians and visitors in the Atlanta metropolitan area. The park was created in 1978 to protect the watershed, provide opportunities for river and land recreation, and conserve important tracts in the river's floodplain. The park's current boundaries extend along the river for nearly fifty miles from Buford Dam at Lake Sidney Lanier to the entrance of Peachtree Creek tributary by Marietta Boulevard in Atlanta. Annually the park averages about 2.75 million visitors; most are from the burgeoning Atlanta metropolitan area. In recent years, the population in the state of Georgia has grown rapidly to 9.5 million residents and more than half of these residents live in the Atlanta area. The population growth has placed tremendous pressure on lands important to the region's water quality, recreation, and historical and agricultural heritage.

Available for acquisition in FY 2011 are two properties totaling 36.5 acres at the northern end of the national recreation area near Lake Lanier. The Manning and Friedman inholdings are

located directly on the western bank of the Chattahoochee River just north of the Georgia Route 20 bridge in Forsyth County. The tracts would be added to the Bowman's Island Unit of the park. The unit is noted for its hiking and horseback riding trails, and also features river access for canoes, kayaks, and rafts just below Buford Dam. Adjacent to the properties to the north is the Buford Hatchery, operated by the Wildlife Resources Division of the Georgia Department of Natural Resources. The hatchery rears stocks of brown and rainbow trout for state fishing programs in lakes and streams across Georgia. The hatchery is open to visitors for fishing, education, bird watching, and hiking.

The acquisition of the Manning and Friedman properties will enable the National Park Service to protect important riverfront land and water resources and expand recreational opportunities at the Bowman's Island Unit. Between Buford Dam and Route 20, the National Park Service already owns a significant amount of land on the eastern bank and several tracts north of Buford Hatchery including Bowman's Island. If the Manning and Friedman properties are acquired, the National Park Service would own land on both sides of the river. For many years the park has sought to construct a five-mile loop trail at the Bowman's Island Unit that would proceed along both banks of the river between Buford Dam and Route 20. The acquisition of these properties, along with a planned improvement of pedestrian and bicycle use of the Route 20 bridge, would greatly enhance this objective.

My particular interest lies in the fact that the subject parcels are immediately adjacent to the Buford Hatchery, operated by the Wildlife Resources Division of the Georgia Department of Natural Resources, my agency. The hatchery rears stocks of brown and rainbow trout for state fishing programs in lakes and streams across Georgia. The hatchery is open to visitors for fishing, education, bird watching, and hiking. We believe there is a natural synergy in connecting the State of Georgia's education and recreational facility with the envisioned National Park Service trails and amenity area directly to its south, and creating a larger conservation and recreation system along the banks of the Chattahoochee River at this location. We certainly would not want to ever see these properties degraded or developed.

In 1999 Congress passed Public Law 106-154, in which it stated the intention to "increase the level of protection of the open spaces...along the Chattahoochee River." The acquisition of the Manning and Friedman tracts represents one of the "dwindling opportunities to protect the scenic, recreational, natural, and historic values" of the Chattahoochee River corridor. In FY 2011, an appropriation of \$3.62 million from the Land and Water Conservation Fund is needed to protect these critical properties.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort

to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Georgia, and I appreciate your consideration of this funding request.

**\*THE SUBCOMMITTEE RECEIVED SIMILAR LETTERS FROM INTERESTED INDIVIDUALS\***

**GRAND VALLEY WATER USERS ASSOCIATION**

GRAND VALLEY PROJECT, COLORADO

1147 24 Road (970) 242-5065 FAX (970) 243-4871  
GRAND JUNCTION, COLORADO 81505

**Name: Richard L. Proctor Title: Manager E-mail: [GVWUA1147@AOL.com](mailto:GVWUA1147@AOL.com)**

March 10, 2010

The Honorable James P. Moran, Chairman  
The Honorable Michael K. Simpson, Ranking Member  
Subcommittee on Interior, Environment and Related Agencies  
Committee on Appropriations, United States House of Representatives  
B-308 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Moran and Representative Simpson:

I am requesting your support for appropriations in fiscal year 2011 to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, consistent with the President's recommended budget.

1. Appropriation of \$709,000 in "recovery" funds to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
2. Appropriation of \$485,000 in operation and maintenance funds within the \$50,307,000 item entitled "National Fish Hatchery Operations" to support the ongoing operation of the FWS' Ouray National Fish Hatchery in Utah.
3. Allocation of \$200,000 in "recovery" funds for the San Juan River Basin Recovery Implementation Program to meet FWS Region 2 expenses in managing the San Juan Program's diverse recovery actions.

We greatly appreciate the Subcommittee's past support and request your assistance for fiscal year 2011 funding to ensure FWS' continuing financial participation in these vitally important programs.

Sincerely,

Richard L. Proctor, Manager  
GRAND VALLEY WATER USERS ASSOCIATION  
(970) 242-5065 Fax (970) 243-4871 E-mail: [GVWUA1147@AOL.com](mailto:GVWUA1147@AOL.com)



**Testimony of Brian Sybert, Wyoming Director, Greater Yellowstone Coalition  
In Support of Land and Water Conservation Fund funding  
At Shoshone National Forest, Wyoming  
U.S. Forest Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

On behalf of the Greater Yellowstone Coalition, I appreciate the opportunity to present this testimony in support of acquiring land in the Shoshone National Forest in Wyoming. The Greater Yellowstone Coalition is a conservation organization dedicated to protecting and restoring the Greater Yellowstone Ecosystem and the unique quality of life it sustains, now and in the future. Central to the Greater Yellowstone Coalition's mission is the integrity of Yellowstone and Grand Teton National Parks, which form the core of the Greater Yellowstone Ecosystem. The Greater Yellowstone Ecosystem is the most intact landscape in the lower forty-eight states and is internationally renowned. Formed in 1983, The Greater Yellowstone Coalition has 18,000 members and activists who regularly use and enjoy the Yellowstone area, including Yellowstone and Grand Teton National Parks.

An appropriation of \$2.5 million is needed in FY 2011 from the Land and Water Conservation Fund in order for the Forest Service to acquire the 118-acre Russell Creek Winter Range inholding. In a demonstration of the importance of this acquisition, the \$2.5 million amount was included in the President's Budget request for FY 2011.

Roughly the same size as West Virginia, the Greater Yellowstone Ecosystem (GYE) encompasses approximately 18 million acres in Wyoming, Montana, and Idaho. The GYE includes Yellowstone and Grand Teton national parks, portions of seven different national forests, and three national wildlife refuges. The headwaters of the Yellowstone, Missouri, Snake, and Green rivers are found in its mountains. Its varied topography consists of arid high plains, verdant river valleys, high-elevation plateaus, and spectacular mountain ranges, as well as the most diverse and intact collection of geysers and hot springs in the world. Additionally, the GYE is one of the largest, relatively intact temperate zone ecosystems remaining in the world.

Remarkably diverse, the GYE provides some of the best wildlife habitat in the country, including home for one of the last viable grizzly bear populations in the lower 48 states. It hosts the largest elk and free-roaming bison herds in North America, and provides the only U.S. wintering ground for the rare trumpeter swan. Wolverines, lynx, fishers, and martens still roam the GYE's mountains, as do bighorn sheep, black bears, and mountain goats. Other flourishing species include pronghorn antelope, wolves,

moose, mountain lions, mule deer, beavers, coyotes, osprey, bald eagles, and peregrine falcons. The GYE hosts a total of 316 bird, 94 mammal, 24 reptile and amphibian, and more than 1,700 vascular plant species. The rich, biological diversity of the GYE is truly exceptional - nowhere else in the lower 48 states can you find a large and relatively intact ecosystem containing nearly all the living organisms present in pre-Columbian times.

In addition to its impressive wildlife values, the GYE offers some of the best recreational opportunities in North America. Its fisheries are world-renowned and attract fly fishermen from all over the globe. Big game hunting opportunities are abundant. In addition to these sporting opportunities, the GYE offers a wide range of backcountry recreational opportunities including skiing, snowshoeing, snowmobiling, hiking, camping, whitewater rafting, horseback riding, and wildlife viewing.

Available for acquisition within the GYE in FY 2011 is the 118-acre Russell Creek Winter Range property in the Shoshone National Forest in Park County, Wyoming. The tract lies about 1.5 miles off of Wyoming Route 296 in between Cody and Cooke City and the eastern and northeastern entrances to Yellowstone National Park. Bounded by Forest Service land on three sides, the tract is near Windy Mountain and is adjacent to Dead Indian Pass, where Route 296 drops dramatically into the valley of the Clarks Fork of the Yellowstone River, a national wild and scenic river.

With outstanding scenery, threatened and endangered species habitat, and riparian resources, the property is the priority acquisition for the forest and included in the region's GYE program for FY 2011. The property contains prime riparian habitat and important wetlands along one-half mile of Russell Creek. Gray wolves inhabit the area, and the inholding is located within the Yellowstone Recovery Zone for grizzly bears – a federally listed threatened species. Furthermore, the tract is within a crucial rearing area for elk and crucial winter range for elk, mule deer, and bighorn sheep. Additionally, the parcel contains habitat for sensitive plant species: shoshonea, Hall's fescue, North Fork Easter daisy, and Absaroka goldenweed.

The tract is accessible via a private road, offering significant opportunities and access for the public to hunt, hike, and camp if the property is acquired – and a significant second-home subdivision and development risk if it is not. Subdivision into several smaller parcels is fully authorized under existing county land-use regulations. In addition to precluding this threat, acquisition also will allow the Forest Service to improve fire management, control invasive plant species, and resolve obstacles to the free movement of grizzlies and other large game and non-game wildlife.

An appropriation of \$2.5 million is needed from the Land and Water Conservation to secure these abundant resources, to preserve the important wildlife habitat along Russell Creek, and prevent development in a scenic section of the Shoshone National Forest.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at

state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Wyoming, and I appreciate your consideration of this funding request.



Testimony of the  
Great Lakes Commission to the  
House Appropriations Subcommittee on  
Interior, Environment and Related Agencies

*March 19, 2010*  
*Contact: Tim Eder, Executive Director*  
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**Introduction**

**On behalf of its eight member states, the Great Lakes Commission urges the House Appropriations Subcommittee on Interior, Environment and Related Agencies to provide level funding of \$475 million in FY 2011 for the U.S. Environmental Protection Agency (EPA) to support the second year of the Great Lakes Restoration Initiative (GLRI).**

The Great Lakes Commission appreciates the subcommittee's past support for this important restoration program and asks that level funding be provided to maintain momentum and build on the substantial investments made over the past year to begin implementation of the GLRI. The Commission's member states believe consistent funding for the GLRI is justified by the unprecedented demand for restoration resources as well as the immediate – and increasing – costs of emergency actions needed to keep Asian carp from invading the Great Lakes.

The GLRI is off to a strong start. It is implementing a comprehensive restoration plan built on the priorities of the Great Lakes governors and broadly endorsed by local governments, tribes, business and industry, and conservation groups. It complements substantial investments from U.S. cities along the Great Lakes, estimated at more than \$11 billion per year. Fully implementing the regional restoration plan will help jump-start our regional economy. The Brookings Institution has projected \$50 billion in long-term benefits, and a coalition of Chambers of Commerce has highlighted Great Lakes restoration as a critical component of a larger agenda to create jobs and revitalize our regional economy.

**Justification for Level Funding**

The Great Lakes Commission urges the subcommittee to consider the following factors that justify level funding for the GLRI in FY 2011.

- Substantial investments have been made at all levels of government to implement the Initiative and ensure its long-term success. The administrative, programmatic and scientific mechanisms are in place to ensure transparency, accountability, and sound technical guidance for the GLRI. Slowing the pace of the Initiative now will undermine these

investments, discourage engagement from state and local governments, and impede long-term progress.

- Funding from the GLRI's first year is coming into the Great Lakes region now and a majority of the first year's funding will be obligated within the next several months. On-the-ground restoration will start by early summer.
- The regional response to the first round of funding opportunities under the GLRI has demonstrated an immense unmet need for restoration resources and substantial capability to invest resources in high-value, site-specific actions that will generate important environmental and economic outcomes. Nearly 1,300 proposals requesting over \$1 billion in funding have been submitted in response to government requests for proposals – a roughly ten-to-one ratio of demand versus available grant funding under the GLRI.
- The escalating costs of emergency actions to keep Asian carp out of the Great Lakes threaten to slow progress under the GLRI. Level funding will maintain the momentum of the overall restoration program while ensuring that emergency response actions for Asian carp do not displace implementation of important on-the-ground restoration projects that have been developed by the states and other partners.

#### **Progress During the First Year of the Great Lakes Restoration Initiative**

The GLRI was first proposed in the President's FY 2010 budget. Since that time the Great Lakes Interagency Task Force, led by EPA, has devoted tremendous time and resources to establish the administrative mechanisms to support an effective, five-year restoration program. The Task Force prepared a detailed, five-year Action Plan with clear performance goals and criteria for measuring progress. An accountability system and independent scientific review panel are being put in place. The region is benefitting from lessons learned from other large-scale ecosystem restoration efforts.

The EPA has coordinated multiple federal programs and prepared a funding plan that strategically aligns programs with goals outlined in the Action Plan. Interagency agreements are being finalized through which more than half of the GLRI funds will be transferred from EPA to other federal agencies to administer through existing programs. Using a competitive process, numerous federal programs have already solicited proposals for restoration projects that address goals in the GLRI Action Plan. **A majority of the GLRI's first-year funding will be obligated within the next several months, with on-the-ground restoration starting by early summer.**

The EPA has coordinated closely with the Great Lakes states and other partners to develop the GLRI. Last summer meetings were held with each of the states to discuss restoration priorities and the most effective way to address them under the GLRI. Meetings were also held for the public, tribal authorities and cities. This demonstrated strong support for the GLRI and a clear readiness to augment it with resources and expertise from state, local and nongovernmental partners.

The Great Lakes states, in particular, have stepped forward to help lead the GLRI. They have developed state-specific restoration plans that identify priorities and translate the GLRI's regional goals into site-specific actions. In effect, this process is "stepping down" both the GLRI and the regional restoration plan to an operational level through which it will be implemented. Drawing from their plans, the Great Lakes states have submitted hundreds of proposals on their own, and have partnered with local communities and nongovernmental organizations to support many others. This level of effort is impressive considering the severe fiscal constraints facing state governments. The states have organized internally and devoted substantial staff resources to

implementing the GLRI. More broadly, a team effort is underway involving the states, local municipalities, business and industry, and environmental and conservation organizations.

**In brief, substantial investments have been made at all levels of government to implement the GLRI and ensure its. The administrative, programmatic and scientific mechanisms are in place to ensure transparency, accountability, and sound technical guidance. Sustaining level funding of \$475 million for the GLRI in 2011 will encourage continued investments and engagement from state and local partners, and promote long-term progress.**

#### **Regional Capacity to Implement Restoration Actions**

A majority of GLRI funding will be administered to nonfederal partners through competitive grants. Federal agencies moved quickly following completion of FY 2010 appropriations to prepare funding solicitations using existing programs and authorities. With coordination from EPA, these solicitations will lead to projects that address goals set forth in the GLRI Action Plan.

The response has been overwhelming: nearly 1,300 proposals have been submitted requesting over one billion dollars for restoration projects. This demonstrates the Great Lakes region's capacity and preparedness to implement its established restoration program. EPA and other agencies are moving quickly to review and process this unprecedented volume of proposals. Initial decisions are expected shortly, after which final workplans and agreements will be established. The first round of on-the-ground restoration projects is on track to begin by early summer.

**Collectively, the regional response to the first round of funding opportunities under the GLRI demonstrates an immense unmet need for restoration resources, and substantial capability to invest resources in high-value, site-specific actions that will advance the GLRI's goals and generate important environmental and economic outcomes.**

#### **Emergency Actions to Confront the Threat from Asian Carp**

Just as the GLRI is gaining steam, the region is responding to the imminent threat of Asian carp entering the Great Lakes. Because of their rapid reproduction and voracious feeding habits, Asian carp could decimate the native fishery population in the Great Lakes and threaten the region's \$7 billion sport fishing industry. While state and federal agencies have been guarding against Asian carp entering the Great Lakes from the Mississippi River watershed for some time, new monitoring techniques recently detected carp closer to Lake Michigan than ever before. In response, these agencies are implementing a comprehensive – but costly – control strategy to prevent carp from entering Lake Michigan. The control strategy integrates contributions from multiple agencies and includes an array of short- and long-term actions.

The Asian carp control strategy is projected to cost nearly \$80 million, with the majority to come from the GLRI. Thus, the Initiative is funding implementation of both the Great Lakes restoration plan *as well as* the emergency response strategy for Asian carp. Previously, most of the costs for guarding against Asian carp were included in base agency budgets, primarily the Army Corps of Engineers, which built and currently operates an electric barrier system on the Chicago Sanitary and Ship Canal to prevent carp from migrating into Lake Michigan. Now, with evidence that carp have bypassed the barrier, federal agencies are engaged in costly emergency response actions that will continue for some time. The region likely will face costly monitoring and control costs for many years while a permanent solution is designed and implemented.

**The escalating costs of emergency actions to keep Asian carp out of the Great Lakes were not anticipated as the GLRI was developed. Level funding of \$475 million will maintain the momentum of the overall restoration program while ensuring that emergency response actions for Asian carp do not displace implementation of important on-the-ground restoration projects that have been proposed by the states and other partners.**

#### **Recommendations of the Great Lakes States for Advancing the GLRI**

With lessons learned from the GLRI's first year, the Great Lakes Commission offers the following recommendations to improve the Initiative's effectiveness and the efficiency with which resources are directed to achieving desired environmental and economic outcomes. The Great Lakes states are on the "front line" in implementing the GLRI and are uniquely positioned to ensure its success. While the GLRI is off to a strong start, the Commission urges EPA, the Great Lakes Interagency Task Force and Congress to consider these recommendations and refine the Initiative appropriately as this important effort moves forward.

- Strive for consistent funding to maintain momentum, facilitate long-term planning, sustain engagement from the states and support large-scale restoration projects.
- Maintain a strong focus on state priorities as documented in existing regional and state-specific restoration plans.
- Consolidate programs and authorities into a more focused suite of funding sources with higher funding ceilings to support larger restoration projects.
- Maintain the focus of GLRI funding on restoration actions, versus monitoring, planning, or ongoing management activities, except where needed to implement important restoration projects.
- Maintain base funding for existing programs to address ongoing needs, and reserve the GLRI for large-scale, site-specific restoration priorities of the states.
- Streamline the funding application and delivery system to minimize administrative and transaction costs and provide states with the ability to efficiently direct funds to high-priority restoration efforts. Use a block grant or "bundling" approach to reduce transaction costs, or a uniform application that can be submitted to multiple federal agencies.
- Provide states with the ability to lead the coordination of local governments and nongovernment entities to minimize process costs, build economies of scale and ensure resources address the highest priority restoration needs.
- Minimize nonfederal match requirements and maximize flexibility in meeting requirements where they exist.
- Consult with the states on regular basis to establish annual funding plans and manage the implementation of the GLRI.

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*The Great Lakes Commission, chaired by Gov. Patrick Quinn (Ill.), is an interstate compact agency established under state and U.S. federal law and dedicated to promoting a strong economy, healthy environment and high quality of life for the Great Lakes-St. Lawrence region and its residents. The Commission consists of governors' appointees, state legislators, and agency officials from its eight member states. Associate membership for Ontario and Québec was established through the signing of a "Declaration of Partnership."*

**Testimony of Susan Shea, Director of Conservation, Green Mountain Club  
In Support of Forest Legacy Program funding  
For Northern Green Mountains Linkage project, Vermont  
U.S. Forest Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

As Director of Conservation for the Green Mountain Club, the nonprofit organization that maintains Vermont's Long Trail, the nation's oldest long-distance hiking trail, I appreciate the opportunity to present this testimony in support of the Northern Green Mountains Linkage project in Vermont. An appropriation of \$5.875 million to the U. S. Forest Service for the Forest Legacy Program is needed in order to protect an assemblage of 6,516 acres. I am thankful that this project was included in the President's Budget request for FY 2011 at a funding level of \$2.3 million. However, the conservation of the assemblage of properties can be completed this year with an appropriation of \$5.875 million.

The Forest Legacy Program in Vermont seeks to achieve significant conservation goals for the state by protecting the following types of land: large contiguous and productive forest blocks, wildlife habitat dependent on large forested tracts, threatened and endangered species habitat, state fragile areas, undeveloped shoreline, significant wetlands, and important recreation corridors.

The state's top Forest Legacy Program priority for Fiscal Year 2011 is the 6,516-acre Northern Green Mountains Linkage. Situated on the spine of the Northern Green Mountains in Lamoille, Orleans and Franklin Counties, the Northern Green Mountains Linkage Forest Legacy Project will conserve 6,516 acres of managed and productive timberland while protecting 25 undeveloped ponds, 25 miles of streams, several rare species and natural communities, and high-quality wildlife habitat. Using fee and easement acquisitions, the project will link 62,200 acres of conserved lands, including lands the Green Mountain Club has protected for the Long Trail, providing connectivity from the Champlain Valley to the Green Mountains, north to Quebec, and east to the Worcester Range. This project will address the problem of forest fragmentation and associated impacts on the timber economy, public access to recreation, and wildlife habitat connectivity in Vermont's northern region by permanently protecting critically-located properties.

Vermont's Northern Green Mountains are one of the largest and wildest forested landscapes remaining in all of New England. The region, which follows the spine of the Green Mountains north from Mount Mansfield to the Canadian border, encompasses



sweeping tracts of forest where moose, bobcat, black bear, and a myriad of rare and endangered songbirds make their home. These mountains and their slopes are remarkably diverse, containing all the major ecosystem types of the ecoregion, from boreal forests, temperate mixed hardwoods, and alpine meadows to floodplain forests and marshes. Additionally, there are state rare and threatened plant species on the properties, including cliff fern, rose pogonia, lungwort, and smooth musk flower. This area is also a magnet for hikers, skiers, backpackers, and other outdoor enthusiasts, particularly those drawn by a 65-mile portion of the Long Trail, a footpath running the length of Vermont which the Green Mountain Club built and has maintained for the past 100 years. Also snaking through the region is the increasingly popular Catamount Trail, a cross-country ski trail traversing the state.

The Northern Green Mountains have long been recognized as a top conservation priority by many of the region's small towns, such as Enosburg, Jay, and Hyde Park, which are now mobilizing to conserve the places that define and sustain their communities. Two Countries One Forest (2C1Forest), a Canadian-American coalition of 50 conservation organizations, public agencies, and researchers, sponsored scientific research to identify important wildlife corridors in the Northern Appalachian-Acadian ecoregion. In 2007, 2C1Forest chose the Northern Green Mountains-to-Sutton Mountains linkage as one of their top five conservation priorities. The area has also been identified as significant in the Vermont Department of Fish and Wildlife's soon-to-be-completed statewide assessment and ranking of large forested blocks and associated linkage habitats. The Northern Green Mountains are a crucial place for regional landscape connectivity because they help tie together the Adirondacks of New York, the central Appalachians of Massachusetts, and points south to the Northern Appalachians of Maine and Canada. In so doing they serve as an important north-south corridor for wildlife and, because of their large range in elevation, provide species with flexibility in their movement. This is an important factor in adaptation strategies aimed at averting species extinctions due to climate change.

The vast majority of the land in the Northern Greens remains in private hands, with thousands of acres available on the open market. Threats from an expanding second-home industry (even in today's uncertain economy), road construction, and changing forestry and farming practices put key blocks of forestland at risk and create barriers to wildlife movement. Such changes also threaten the vibrant rural culture and economy of the Northern Greens, with its mix of small farms, forestry, and recreation. A recent explosion of development pressure in the Northern Green Mountains resulting from expanding ski resorts and the area's proximity to greater Burlington and other population centers, has made this a "now or never" moment to conserve key landscapes in this important habitat and recreational area. According to census data, growth rates in Lamoille, Orleans, and Franklin counties are more than double the growth rate in Vermont as a whole. In Vermont, only 21 percent of the Northern Green Mountains is protected from development, compared to 45 percent of the central and southern Green Mountains.

In FY 2011, an appropriation of \$5.875 million from the Forest Legacy Program is needed to ensure the protection of critical forest resources in northern Vermont. This federal funding will be matched by \$1.98 million of non-federal contributions and allocated to 19 separate land transactions for the acquisition of full fee and partial interests through conservation easement. One of the tracts which will be conserved that the Green Mountain Club is particularly interested in is Canada View, 1,022 acres of forestland in Jay. A 1.6 mile section of the Long Trail, one of Vermont's premier recreational resources, is located adjacent to Canada View, in some places within 100 to 500 feet of the parcel's boundary. The northern terminus of the Long Trail at the Canadian border, a starting or finish point for end-to-end hikers of the trail, is located beside Canada View.

Please do all that you can to ensure that this worthwhile program is funded adequately in FY 2011 and that the Northern Green Mountains Linkage project receives \$5.875 million in FY 2011.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Vermont, and I appreciate your consideration of this funding request.

- Susan E. Shea  
Director of Conservation  
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U.S. HOUSE- COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
**ENVIRONMENTAL PROTECTION AGENCY FY 2011 APPROPRIATIONS**

STATEMENT OF JOE LEE, PRESIDENT  
THE GROUND WATER PROTECTION COUNCIL

March 19, 2010

Honorable Chairman Moran and Members of the Sub-Committee:

The following request by the Ground Water Protection Council (GWPC) is for funding in FY 2011, of the USEPA for Support to State Programs on Hydraulic Fracturing, Underground Injection Control (UIC) and Ground Water Protection. The request for FY 2011 is \$450,000.

Over twenty-five years ago, with assistance from EPA, state environmental, health, and regulatory agencies formed the Ground Water Protection Council to help strengthen the state programs that are responsible for implementing federal Underground Injection Control regulations designed to protect ground water. That effort was successful and continued funding was Appropriated by Congress for 15 years continuing until the CR of 2007. GWPC is the lead organization focused on efforts to strengthen the states' capabilities for addressing ground water, oil & gas (UIC), and, most recently, hydraulic fracturing, and CO<sub>2</sub> geo-sequestration regulatory issues. Reinstating Congressional funding to the GWPC will support efforts to help states develop solutions for these and other related ground water protection issues.

**GWPC AND HYDRAULIC FRACTURING**

States have been regulating the various components of hydraulic fracturing for many years. In addition to state regulation, the management of fluids returned to the surface after completion of hydraulic fracturing of a well is regulated under the federal Safe Drinking Water Act (SDWA) and the Clean Water Act, primarily through state implementation.

Numerous studies have been completed, are underway, or are planned to evaluate the risks associated with all aspects of hydraulic fracturing, including potential risks from chemicals used as additives in hydraulic fracturing fluids. A number of states are concerned about additional regulation of the practice of hydraulic fracturing. However, many states do support full disclosure of chemicals used in the process.

As a national association of state water regulators, the GWPC stands ready to work with Congress, the EPA, the DOE, and others in a continuing evaluation of the practice of hydraulic fracturing and assisting the states in their ongoing efforts to protect water resources, and effective disclosure of chemicals used in energy production.

### **GWPC AND UNDERGROUND INJECTION CONTROL**

The 30+ year history of the deep well Underground Injection Control (UIC) program in isolating massive volumes of pollutants from underground sources of drinking water and other parts of the ecosystem has led some national policy makers to assume that no additional funding is needed, even though new challenges and responsibilities continue to be added to the UIC program.

The two most serious challenges and responsibilities confronting the UIC program today are:

1. Some types of shallow injection wells, such as motor vehicle waste disposal wells, large-capacity cesspools, stormwater drainage wells, and some types of septic wells, continue to be among the most neglected sources of ground water contamination in the country.
2. Technologies necessary for the management of residuals from water treatment and for the geo-sequestration of carbon dioxide will require very large numbers of new injection wells, far exceeding present program resource capabilities.

Funding this effort will help GWPC assist state UIC programs to eliminate the harmful impacts of high-risk types of shallow injection wells, maximize the benefits of safe underground injection, enable the development and understanding of new technologies, and promote safe drinking water to U.S. citizens.

### **GWPC AND GROUND WATER PROTECTION**

Our ground water resources are in serious need of attention. Abundant, high-quality, low-cost ground water resources are fundamental to the long-term growth and vitality of our nation, yet this most important resource is often overlooked. Attention to the protection and management of ground water has consistently lagged behind that given to surface waters. Historic and current water resource laws and policies deal primarily with the protection and management of our more visible lakes, rivers, and wetlands.

GWPC is a nonprofit organization consisting of state ground water and underground injection control (UIC) regulatory agencies that come together to mutually work toward the protection of the nation's ground water supplies. GWPC's purpose is to promote and ensure the use of best practices and fair but effective laws regarding comprehensive ground water protection. GWPC is the only national association whose members regulate underground injection wells. Through cooperation and collaboration of these state programs with local and federal programs, environmental groups, academia and industry groups, the GWPC helps improve governments' role in the protection and conservation of ground water. The GWPC Board of Directors is made up of 20 senior state program directors elected by their peers from each of the 10 USEPA regions. Members of the Board of Directors include the highest ranking nonelected / non-appointed senior program managers over ground water, source water, and/or UIC programs.

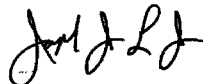
**ABOUT THE GROUND WATER PROTECTION COUNCIL**

GWPC is a respected national organization of state ground water, UIC, and oil and gas regulatory agencies with a successful track record of providing solutions to ground water protection related issues that are environmentally protective, scientifically based, cost effective and publicly accepted. We hope the Committee will continue to support these efforts in FY 2011.

Our mission is to promote the protection and conservation of ground water resources for all beneficial uses, recognizing ground water as a critical component of the ecosystem. We provide a forum for stakeholder communication and research in order to improve governments' role in the protection and conservation of ground water.

We are grateful for your consideration. The projects funded by this request would serve a valuable purpose and are important to the long term efficiency of the front line state and federal agencies.

Thank You

A handwritten signature in black ink, appearing to read "Joe Lee".

Joe Lee  
President  
Ground Water Protection Council

**Statement by Healing Our Waters-Great Lakes Coalition to the  
House Committee on Appropriations' Subcommittee on the Department of the Interior,  
Environment, and Related Agencies Regarding the  
Department of the Interior and Environment Appropriations Act, 2011**

**Submitted by: Chad Lord, Policy Director  
Healing Our Waters®-Great Lakes Coalition**

**March 19, 2010**

Chairman Moran. Representative Simpson. It is an honor to provide this written testimony regarding one of our nation's most prized natural and economic resources--the Great Lakes.

The Healing Our Waters-Great Lakes Coalition asks the Subcommittee to support \$475 million for the popular and effective Great Lakes Restoration Initiative in fiscal year 2011. We appreciate the strong support the Subcommittee provided last year and ask you to provide the same funding in fiscal year 2011 as you did in fiscal year 2010. We feel that our request is well justified because:

- Fiscal year 2010 funds are being spent this year;
- There is an unprecedented need;
- Through public-private partnerships we have the ability to get the work done implementing our region's restoration plan; and
- The eight-state region's economic recovery hinges on a healthy, restored Great Lakes.

The Healing Our Waters-Great Lakes Coalition is comprised of more than 110 environmental, conservation, hunting, and fishing organizations; museums, zoos, and aquariums; and businesses representing millions of people whose goal is to restore and protect the Great Lakes. We came together to fight for the Great Lakes, and we recognize the need for federal assistance for all great waters, including Puget Sound, the Everglades, Coastal Louisiana, and Chesapeake Bay.

Mr. Chairman and ranking member, forty million people rely on the Great Lakes for their drinking water, and millions more benefit from the commerce and business that depend on the waters of the Great Lakes. Unfortunately, the health of the Great Lakes continues to be seriously threatened by problems such as untreated sewage, toxic pollution, and invasive species. The eight states that border the Great Lakes and numerous non-governmental organizations have invested a significant amount of resources in preserving these bodies of water. Additional funding, however, is needed. Unless the federal government continues to invest in the lakes these problems will get worse and the price we pay will be higher.

While restoration efforts to date have made progress, federal funding historically has not kept pace with the enormity of the problem. Over \$26 billion is needed according to the Great Lakes Regional Collaboration Strategy, yet Great Lakes programs over the last decade have received only a small fraction of that amount. We are now embarking on more significant restoration activities thanks to President Obama's Great Lakes Restoration Initiative (GLRI). Cleaning up the Great Lakes is not only critical for the health and quality of life of the region, it will also

drive economic development – and jobs – in our nation for years to come. According to the Brookings Institution, an investment of \$26 billion to restore the Great Lakes will lead to at least \$50 to \$80 billion in economic benefit. That's why the region's chambers of commerce, industry, governors, mayors, tribes, and conservation organizations have united around the common goal of restoring the Great Lakes—the largest surface freshwater resource on the planet.

President Obama recognized the importance of a federal commitment to the Great Lakes by

GLRI Interagency Agreements Signed	Obligated Amount (millions)
DEPT. OF AGR.	5
DEPT. OF COM.	25
DEPT. OF EDUC.	25
DEPT. OF ENERGY	25
DEPT. OF HEALTH & HUMAN SERVICES	25
DEPT. OF HOUSING & URBAN DEVELOPMENT	25
DEPT. OF JUSTICE	25
DEPT. OF LABOR	25
DEPT. OF TRANSPORTATION	25
DEPT. OF THE INTERIOR	25
DEPT. OF VETERANS AFFAIRS	25
DEPT. OF WILDERNESS & PUBLIC AFFAIRS	25
DEPT. OF WISCONSIN	25
DEPT. OF YOUTH SERVICES	25
DEPT. OF ZOOLOGICAL SERVICES	25
<b>Total</b>	<b>\$ 247.814</b>

Source: EPA

Lakes Regional Collaboration's restoration strategy; they held 18 meetings last summer where they solicited public feedback on that plan; they prepared and issued a Request for Proposals to award over \$120 million in grants to non-federal organizations; they coordinated and created 13 interagency agreements (see table above); they began developing a system to establish an accountability and reporting system for the Initiative; they began to renegotiate the bi-national Great Lakes Water Quality Agreement; all while continuing to operate the Great Lakes Legacy Act program and fulfill their other statutory responsibilities.

#### GLRI Funds Are Being Obligated

All this work has set the stage for GLRI money to flow this year to on-the-ground restoration work throughout the region. GLNPO and the other federal agencies are obligating GLRI funds. GLNPO will have obligated over \$247 million through interagency agreements by the end of March. Other agencies will also have spent their GLRI allocations. NOAA recently awarded GLRI funds to a land acquisition project in Michigan. The U.S. Fish and Wildlife Service will award habitat restoration funds later this year under their Great Lakes Fish and Wildlife Restoration Program. The National Fish and Wildlife Foundation, through a transfer of funds from the U.S. Fish and Wildlife Service, will obligate GLRI funds for restoration projects in

including a new \$475 million Great Lakes restoration initiative in his inaugural fiscal year 2010 budget. As already noted, under the leadership of this Subcommittee and other members like Chairman David Obey, Congress fulfilled the President's request. This support has energized the region like at no other time and people are responding. Now is not the time to slow down the progress being made, which is why we were disappointed by the Administration's \$300 million request for fiscal year 2011. Although we acknowledge that senior Administration officials may believe that fiscal year 2010 funding isn't being obligated quickly enough to justify an additional \$475 million for the GLRI, we disagree with their view. EPA's Great Lakes National Program Office (GLNPO) has worked hard over the last year with their sister agencies to ensure that FY 2010 GLRI funding can be put to good use this year. A quick snapshot of everything GLNPO has accomplished in 2009:

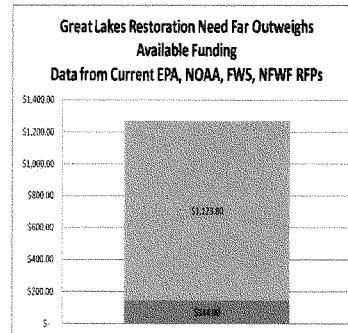
GLNPO coordinated 15 different agencies in pulling together a spending plan for the new \$475-million initiative; they wrote a plan on how to implement the Great

April. EPA will begin awarding \$120 million dollars worth of grants mid-spring for work that will get underway later this year.

#### Need Far Outweighs Available Funding

The preparation for spending the GLRI's allocation has also revealed that the amount of funding needed for Great Lakes restoration continues to far outweigh what is available, even with significant new federal support.

EPA, NOAA, the U.S. Fish and Wildlife Service and the National Fish and Wildlife Foundation all recently closed grant solicitations on how to spend GLRI funds. Nearly 1400 proposals were submitted totaling over \$1.1 billion.<sup>1</sup> Only 13 percent of proposals on average will receive funding through these solicitations since only \$144 million is currently available (see chart at right). We expect additional agency requests for proposals to be made available throughout the year. It's important to remember that not all GLRI funds will go to grants and even if they did, current GLRI funding would still fund less than half the projects that have been proposed through the most recent four RFPs.



#### Getting Work Done; According to Plan

The restoration work being undertaken with GLRI funds is focused on one goal: to implement the region's restoration plan. Our region produced the comprehensive, science-based "Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes" in 2005, which laid out the steps needed to restore and protect the Great Lakes. After a series of meetings with the public and two public comment periods last year, GLNPO subsequently produced a federal work plan called the "Great Lakes Restoration Initiative Action Plan"<sup>2</sup> to implement that strategy: "The GLRC Strategy provides a framework for the Action Plan, and the Action Plan is just that: an *action driver*."<sup>3</sup> This plan lays out measurable five-year restoration goals for the five most significant issues facing the Great Lakes: toxic substances and Areas of Concern; invasive species; nearshore health and nonpoint source pollution; habitat and wildlife protection and restoration; accountability, education, monitoring, evaluation, communication and partnerships.

In addition, with the hope of significant new funds being available this year, most Great Lakes states and many non-governmental organizations worked together closely to develop project proposals that address both their state and the region's top restoration priorities. New York's Department of Environmental Conservation facilitated collaboration between NGOs, state agencies, and other stakeholders in pulling together a list of projects to be undertaken in the Great Lakes watershed in New York State. Wisconsin, Michigan, and Minnesota also undertook

<sup>1</sup> Current request for proposals, Source: EPA, NOAA, FWS, NFWF

Agency	NOAA	FWS	EPA	NFWF
RFP Amount Available	\$10 million	\$8 million	\$120 million	\$6 million
Total Amount Submitted	\$61 million	\$44 million	\$947 million	\$72 million
Number of Proposals Submitted	52	167	1057	104

<sup>2</sup> Released February 21, 2010

<sup>3</sup> EPA "Great Lakes Restoration Initiative Action Plan" 2010 Page 4



similar efforts to coordinate project submissions and build solid public-private partnerships in order to get work done. For work that could not be undertaken by state agencies because of budgets or capacity, states supported the application of funds by non-governmental organizations that had the expertise and experience to successfully complete restoration work.

In addition to developing a plan, GLNPO also made progress in pulling together a project tracking system based on one used by the Chesapeake Bay program to track progress made in implementing this plan. These reporting requirements are also being built into the interagency agreements, which is partially why it has taken them more time to complete.

Lastly, to ensure that the regional efforts are based on sound science, GLNPO is also establishing a science advisory board, which will provide oversight and advice on the region's restoration efforts.

#### **Asian Carp**

One of the biggest threats facing the Great Lakes today is Asian carp, which swam up the Mississippi River after escaping fish farms in the 1970s. After years of battling to keep Asian carp out of the Great Lakes, Asian carp DNA was recently discovered in Lake Michigan. This startling finding has provoked a serious, though not complete, response from federal agencies. Although we are glad that the President had the foresight to create a Great Lakes Restoration Initiative that could respond quickly to this threat, continued use of GLRI funds for Asian carp management would violate one of the GLRI's own criteria: support new work or "enhance (but do not replace) existing Great Lakes baseline activities."<sup>4</sup> We believe that over the long term keeping Asian carp out of the Great Lakes must be built into agencies baseline budgets in order to leave the GLRI free to supplement all other restoration activities.

#### **Conclusion**

We thank you again for the opportunity to share our views with you. We recognize the tough choices you face, but we believe that restoring the Great Lakes is not only good for the environment but also is good for the national economy as well. In addition to your support for \$475 million in GLRI funds, we also hope you will support the following recommendations in report language or oversight:

- Spend GLRI funds in the Great Lakes Basin.
- Ensure that all stakeholders helping to restore the Great Lakes – in particular non-governmental organizations – have a voice in setting Great Lakes restoration priorities.
- Streamline application procedures so non-federal stakeholders can use one application form for multiple agency requests.
- Allow EPA to bundle funding for multiple projects (either by the same sponsor or multiple sponsors) in targeted areas in order to more efficiently direct funds to high-priority areas and on multiple issues (either concurrently or consecutively) and to minimize administrative costs for smaller non-governmental groups that have the expertise to do restoration work but may be too small to manage large federal grants.
- Reduce the number of federal programs receiving GLRI funding to better target these investments.

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<sup>4</sup> Ibid Page 14

## **Hoop Valley Tribal Council**

**Hoop Valley Tribe**

P.O. Box 1348 ~ Hoopa, California 95546 ~ Phone (530) 625-4211 ~ Fax (530) 625-4594



Leonard E. Masten Jr.  
Chairman

**House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
Written Public Testimony – FY2011 Appropriations  
Friday, March 19, 2010**

**Hoop Valley Tribe and Hoopa Tribal Police Department**

Leonard Masten, Chairman – (ph) 530-625-4211

Robert Kane, Chief of Police – (ph) 530-625-4202

Ed Guyer, Lieutenant – (ph) 530-625-4202

On behalf of the Hoopa Valley Tribe and the Hoopa Valley Tribal Police Department, we are submitting testimony in support of an appropriations request for the Hoopa Valley Tribal Police Department. The amount of the request is **\$1,225,234** for base funding for the Tribal Police Department. The agency involved is the Bureau of Indian Affairs and the program involved is Public Safety and Justice – Law Enforcement.

**The Request and Justification**

We are requesting **\$1,225,234** to provide base funding for our Police Department so it may continue to provide law enforcement services to the Tribe and its surrounding community. Although the reservation is in a Public Law 280 state, services provided by county law enforcement are minimal. Given future budget concerns with the county, any county service provided to the Hoopa Reservation and surrounding communities may be cut significantly. The Tribal Police Department is located on the Hoopa Reservation and it is routinely, the first and sometimes the only responders to calls for service on the Reservation. The request for base funding would assist the Tribal Police Department with further development and enhancement of services provided to the Hoopa community. The Hoopa Tribe has borne the financial burden for the Police Department, but can no longer afford to do so without harming other necessary services to its membership and community. However, the Tribe feels a responsibility to protect the community, and its members.

The Hoopa Valley Tribal Council feels that the Tribal Police Department is deserving of the opportunity to receive base funding from the Bureau of Indian Affairs and/or the Department of Justice, since services, and the quality of services are those of any other law enforcement agency. We do not believe that because we are a Public Law 280 state we should be hindered in carrying

out our duties due to lack of funds, when the level of services and funding provided to non-Public Law 280 tribes is greater. Additionally, the Hoopa Valley Tribe is one of the first and only Tribal Police Departments in the State of California to have a Joint Powers Agreement/MOU and a Deputization Agreement with their neighboring county.

The Committee's support in providing base funding would be an enhancement to our Department, Tribe, community, and surrounding areas. These funds would be used to provide a 24 hour Police Force, something desperately needed on and around our Reservation. The funds would also be used to increase officers' salaries in order to be competitive with State and County Agencies. Historically, the Department has been able to recruit officers in entry level positions; however, retainment of these officers has been problematic as we have not been able to compete by offering salaries comparable to the state and county agencies. Thus, once an officer has been trained, and attained more experience they leave for those agencies offering better salary and benefit packages. An increase in funding will alleviate this problem.

The base funding would also be used for: recruiting local tribal members and paying for sending them to the POST Certified Academy; an increase in Dispatch Personal & Salaries once again trying to keep competitive with state and local agency's; Advance Officer Training, Uniforms and Basic Issue Equipment; meeting the rising cost of gasoline/vehicle maintenance & repair; the Hoopa Valley Tribal Police Department Building i.e. repairs and maintenance, rising utilities, and other related costs to maintain the building to keep it functional; and Office Equipment/Supplies for efficient administrative operations of the Hoopa Valley Tribal Police Department.

Background on the Hoopa Valley Tribal Police Department and Intergovernmental Cooperation between the Tribe and the County.

The Hoopa Valley Tribal Police Department was officially formed in 1984. Prior to 1984, the Department operated as Hoopa Tribal Security. As Tribal Security, the primary function was to patrol and check all tribal resources, buildings and property to prevent vandalism and theft. As the Department became more familiar in the community they were routinely called upon to provide other services. As a result, the Hoopa Valley Tribal Council determined that it was necessary for the Department to evolve. This was the beginning of the Hoopa Department of Public Safety/Hoopa Valley Tribal Police Department. The Tribe then began training their personnel as Police Officers.

The determination was made that personnel would be trained in compliance with California P.O.S.T. (Peace Officers Standards & Training) guidelines in order to better serve the Hoopa Valley Tribe and its community. The primary function of the Police Department was to enforce Tribal Law, i.e. fishing, wood cutting, and other natural resource protection functions. The Hoopa Valley Tribal Council funded the Department from tribal funds. The Tribal Council funded Officers training at the College of the Redwoods Police Academy, and conducted thorough background investigations, again using P.O.S.T. Guidelines. Since the officers were trained at the same level as local law enforcement personnel, and since Tribal Police Officers live on the Reservation, where local County Officers do not, Tribal Police were routinely called upon to provide other law enforcement services to the Tribe and adjacent communities. In order

to address jurisdictional problems with Public Law 280, the Tribal Council and County entered into an agreement whereby officers were individually cross-deputized by the County Sheriff, provided the appropriate standards and training were met by the individual officer.

On May 30, 1995, the County of Humboldt and the Hoopa Valley Tribal Council entered into a joint powers agreement (JPA) for the purpose of sharing responsibility for law enforcement services on the Hoopa Indian Reservation. That agreement, a first in California (a Public Law 280 state), specified that the Humboldt County Sheriff's Office (HCSO) and the Hoopa Valley Tribal Police (HVTP) would: 1) work together to provide law enforcement services to the community, 2) cross-deputize the other agency's law enforcement officers, 3) share information and resources, and 4) share facilities (the sharing of facilities never came to pass). On October 7, 1996, the respective areas of responsibility of the HCSO and HVTP under the JPA were more specifically defined in a memorandum prepared by LT. Greg Busey, the Hoopa Sheriff's Substation Commander. This memorandum became essentially, a Memorandum of Understanding (MOU), under which both agencies have operated to the present day. Under this "MOU," Tribal Police handle most non-criminal and misdemeanor criminal investigations, felony property crimes, and domestic violence cases, and the HCSO deputies handle Part 1 felony crimes against persons. In actuality and in a spirit of cooperation each agency has taken responsibility for cases that were the primary responsibility of the other when it was expedient to do so.

As the Department progresses so does the need for additional officers, support personnel, equipment and technology. In essence, the Tribal Police Department has become the primary law enforcement agency on the Reservation enforcing Tribal, Federal, and State Law, as well as providing other service related functions. Since, California is a P.L. 280 State, the Tribe has been unable to utilize state funds even though the Tribal Police Department is providing the primary law enforcement services on the Hoopa Reservation. The Tribe has funded the Department since its inception using tribal, compact, and grant funds in an effort to ensure that the Tribe, its members, and the Hoopa Community are adequately protected.

#### Conclusion

The Hoopa Valley Tribe needs **\$1.225 million** in its base budget for its Police Department for adequate and effective law enforcement and police protection on the Hoopa Valley Reservation to keep the residents and visitors of the Reservation and surrounding communities safe.

The Tribe's Police Officers are trained and maintain compliance with the California Commission on Peace Officer Standards and Training (P.O.S.T.) at the same level as local law enforcement personnel and are deputized by the Humboldt County Sheriff pursuant to a Deputization Agreement. This agreement along with the Joint Powers Agreement and MOU between the Tribe and the County as well as the Tribe's concurrent jurisdiction and remote location has resulted in the Tribe providing the primary law enforcement services on the Reservation.

The Tribe receives very limited federal funding which can be used for law enforcement services and does not receive any State funds. The Tribe has been covering the costs of its Tribal Police Department, but it can no longer afford to do so, risking inadequate law enforcement and police

protection in the face of significant community policing challenges, including rampant illegal drug use and trafficking in the area.

The appropriation of **\$1.225 million** for our Police Department will benefit the residents and visitors of the Hoopa Reservation and surrounding communities. The Hoopa Tribal Police Department is routinely the first and only responder to calls for police on the Reservation, responding to all calls on the full range of law enforcement matters. The funding will allow for 24 hour police coverage for the Reservation, the ability of the Tribe to retain trained officers, and use up-to-date equipment and technology for the provision of police services.

The appropriation will promote the safety of the residents and visitors on the Reservation and in surrounding communities. This is extremely important given the Reservation's remote area and significant police challenges arising from the rampant illegal drug use and trade in the area. The funding will also further the extraordinary intergovernmental cooperation between the Tribe and Humboldt County. Not only will the Reservation and surrounding communities benefit from this funding, but Humboldt County, itself, will as well. Humboldt County would certainly benefit from the Tribe having a 24 hour Police Department to respond to calls on the Reservation.

We ask the Committee to appropriate **\$1.225 million** for the Hoopa Valley Tribal Police Department. Please do not hesitate to contact us if you need additional information.

**House Committee on Appropriations  
Subcommittee on Interior, Environment and Related Agencies  
Written Public Testimony for FY2011 Appropriations**

**Hoopa Valley Tribe, K'ima:w Medical Center  
Leonard Masten, Hoopa Tribal Chairman  
530-625-4211, ext. 105  
Mihail Soare, K'ima:w Medical Center CEO  
530-625-4261, ext. 225**

This written testimony in support of appropriations for the Hoopa Valley Tribe, K'ima:w Medical Center in the amount of \$1,166,715.00. The agency involved is the Indian Health Services and the programs involved include Health Services and Equipment.

K'ima:w Medical Center, (KMC) is an entity of the Hoopa Valley Tribe located in far Northern California. The Hoopa Valley Indian Reservation is in a rural and remote area, 55 miles from the larger populated areas of Eureka and Arcata. Hoopa is the largest land based tribe in California and is often referred to as a "12 mile square". The Reservation encompasses approximately 144 square miles (98,355 acres) including the Valley floor.

KMC is a Joint Commission accredited ambulatory clinic with operational hours between 8:00 a.m. – 6:00 p.m. on weekdays. As an ambulatory clinic, KMC offers a comprehensive set of services that include medical, dental, community health, nutrition, social services, senior nutrition, full laboratory and radiology services as well as specialty clinics for vision, podiatry and telemedicine.

According to the U.S. Census Bureau (Census 2000), there are approximately 2,633 people living on the Hoopa Valley Indian Reservation. 84.7% of Hoopa residents are American Indian. KMC's service area encompasses the surrounding area of Willow Creek, Salyer and Johnson's. 32% of Hoopa residents are living in poverty (2.3 times the statewide figure of 14.2% and 2.6 times the nationwide figure of 12.4%). During the past year KMC has served 4,966 users.

Poverty, struggling and inadequate education, discrimination, high rates of unemployment and limited access to health services are creating significant and alarming health disparities among our people. Our people are in desperate need of help to improve the quality of care, access for services, technological advancement and job opportunities.

Three focus areas have been identified as priorities in addressing the disparities and increasing the quality of care and access for services: Emergency Medical Services, Electronic Health Record and Radiology Digital Equipment.

### Emergency Medical Services

*Imagine driving in a mountainous area, on a very windy, two lane road with very steep embankments and no shoulders to speak of, when suddenly your car hits black ice, you spin out of control and roll down the bank 300 feet. The closet Level Four hospital is an hour and a half away and the nearest trauma center is three hours away. Critically injured, the only thing standing between you and death is the swift and competent actions of the ambulance crew responding to the emergency. Ambulance personnel must begin medical treatment immediately, knowing that delaying treatment until you are transferred to the nearest hospital will significantly decrease the likelihood of surviving these injuries.*

Residents in this area, all too often face these types of scenarios and it is vital to the Hoopa community and surrounding area to have Advanced Life Support emergency services available. The Tribe's KMC ambulance service provides the only basic and advanced life support emergency service in the area and responds to 1,100 emergency calls per year. Staffed 24 hours per day/7 days per week, paramedic level of support is necessary because of the length of time it takes to reach the nearest hospital, ranging from 50 minutes to 2.5 hours. KMC's ambulance crew not only provides emergency medical services, but also conducts white water rescue and over the bank rescue.

KMC's ambulance service, not only provides emergency medical services to the Hoopa community but also provides services to a three county service area covering northeastern Humboldt County and portions of Trinity and Siskiyou Counties. As the only ambulance service for this whole area, services are not only provided for American Indians but for non-Indians as well. The ambulance service area covers the towns of Willow Creek, Salyer, Hoopa, Weitchpec, Orleans, Somes Bar and Johnsons. The area is vast between towns and communities with two lane roads in a mountainous area. At times because of slides and unfavorable weather conditions (snow, ice, fog) our ambulances must drive over and through treacherous conditions to transport patients to coastal hospitals.

While this service is so vital to those who live in this area, unfortunately inadequate reimbursements from Medicare and Medi-Cal are severely impacting KMC's ability to provide this service. The Tribe can no longer subsidize the operation of the ambulance and funding is needed to continue the current level of emergency medical services provided not only in Hoopa but in surrounding areas as well.

**Funding in the amount of \$362,315.00 is requested for our Ambulance Program to ensure that our area has continued Advanced Life Support emergency services.**

#### Electronic Health Record

KMC is in the process of converting to an Electronic Health Record (EHR) system. To date the Tribe has provided 32% of the necessary funding in the amount of \$250,000.00 but needs assistance with the remaining 68%, \$539,000.00 to purchase EHR software and hardware technology along with related infrastructure.

The benefits of converting to an EHR system include reducing health care costs, improving efficiency, increasing patient safety and improving the overall delivery of health services to our Tribe and community. Additionally, incentives offered for providers using EHR will help the Medical Center overall with increased third party revenue.

For Providers, EHR allows patient care activities and access to the records simultaneously and at multiple locations without depending on the availability of a paper chart. Data entries can be entered at point-of-service which ensures that the record is always up to date for all users.

Because KMC is a rural health clinic, specialty clinics come to our area and offer services needed by our patients. Specialty clinics offered here include Obstetrics, Pediatrics, Ophthalmology and Podiatry. Additionally KMC offers Telemedicine services for Psychiatry, Endocrinology, Nutrition, Pain Management and Hepatology. EHR allows easier access to patient records, referrals, medication lists, etc. for visiting providers and telemedicine providers and allows more efficient treatment for our patients while increasing safety for patients with multiple medical problems.

**Funding in the amount of \$539,000.00 is requested for implementing an EHR system.**

#### Radiology Digital Equipment

Along with converting to an EHR system is the need to purchase Radiology Digital Equipment and related infrastructure which will reduce health care costs, improve efficiency, increase patient safety and improve the overall delivery of health services to our families.

Currently, KMC Radiology Department must send its films to Mad River Hospital (an hour drive away) using two different couriers. This creates significant delays in diagnoses and treatment. At times, x-rays may have to be repeated, causing even longer delays in diagnoses and treatment. In combination with EHR, radiology digital equipment will improve the timeliness of diagnosis for our patients, allow us to cut costs, decrease the storage space necessary to store films and improve the service that we provide to our patients.



Radiology Digital Equipment will allow information sharing between doctors who can simultaneously open the exam and compare impressions without having to send hard copy films back and forth between providers, hospitals, etc.

**Funding in the amount of \$265,400.00 for Radiology Digital Equipment.**

**House Appropriations Subcommittee on Interior, Environment, and Related Agencies  
Testimony of The Humane Society of the United States, Humane Society Legislative  
Fund, and Doris Day Animal League on the FY 2011 Budget  
March 19, 2010**

Thank you for the opportunity to offer testimony to the Interior, Environment, and Related Agencies Subcommittee on items of importance to our organizations with a combined membership of more than 11 million supporters nationwide. We urge the Subcommittee to address these priority issues in the FY 2011 Department of Interior appropriation.

**Bureau of Land Management - Wild Horse and Burro Program**

The BLM is charged with the management of approximately 33,000 wild horses in 10 Western States, but the current program is grossly under-funded. While we support a reduction in the number of annual roundups, depending on rounding up horses without implementing any active program for preventative herd growth is an unsupportable wild horse management approach because it leads to a continual cycle of roundups and removals rather than the use of long-term, cost-efficient and humane management strategies. The BLM should focus on five mechanisms for managing wild horses and burros; 1) preserving free-roaming wild horse and burro populations through the use of humane birth control, 2) recolonizing any of the more than 19 million acres of zeroed-out habitat with wild horses and burros from the short and long-term holding facilities, 3) identifying new, appropriate rangelands and establishing sanctuaries for wild horses and burros, 3) continuing long-term, humane pasturing for equines that must be removed from the range utilizing birth control on these captive animals, and 4) implementing creative and more aggressive marketing strategies to increase adoption rates for captured equines.

The BLM's current focus on roundup and adoption tools has resulted in an increasing number of wild horses being permanently warehoused in BLM sponsored holding centers, at a cost of \$27 million annually (representing almost 75% of the BLM's \$36.2 million wild horse management budget). Peer reviewed studies have shown that costs to manage the herd could decrease significantly by treating more mares with the immunocontraceptive PZP (porcine zona pellucida) and returning them to the range, rather than detaining them indefinitely in holding centers, and through the wide-scale marketing of the BLM's Adopt-a-Horse program. According to a paper published in the *Journal of Wildlife Management* in 2007, contraception on-the-range could reduce total wild horse and burro management costs by 14%, saving \$6.1 million per year (Bartholow, J. 2007. Economic benefit of fertility control in wild horse populations. J. Wildl. Mgmt. 71(8):2811-2819.). This study demonstrates conclusively that the use of immunocontraception could easily result in a reduction in the continuing long-term expenses associated with the BLM's current wild horse management program.

In October 2006, The Humane Society of the United States (HSUS) and the BLM signed a Memorandum of Understanding to facilitate the use of contraceptive vaccines as a key component for managing wild horses on public lands. In 2007, the Annenberg Foundation pledged 1.8 million dollars to a project launched by The HSUS and the BLM to promote the use and application of contraceptives to manage wild horses throughout the west. The BLM and The HSUS have an opportunity to revolutionize the course of wild horse population control from a

standard that is often inefficient, costly, and cruel to one which is technologically advanced, cost effective and humane. We urge the Subcommittee to take advantage of the demonstrated cost savings associated with the use of immunocontraceptives by directing BLM and EPA to take action to facilitate the implementation of The HSUS/BLM Research Project, and by increasing BLM's budget for PZP research and development programs by 1.5 million dollars.

The Subcommittee's support would encourage greater cooperation between the BLM, the EPA and The HSUS in the implementation of a program that we believe will be of great benefit not only to our nation's beloved wild horse populations, but also to the American taxpayer. While we are pleased with the stated intent in BLM's budget justification, we hope this new direction will be implemented in FY2011.

#### **Law Enforcement Division of the Fish and Wildlife Service**

The illegal trade in wildlife and wildlife parts amounts to billions of dollars, second only to the smuggling of drugs and arms. The U.S. remains one of the largest markets for legal and illegal trade of wildlife and wildlife products. New technology and a full complement of special agents and wildlife inspectors are essential to enforce the nation's endangered species and other wildlife laws. We are concerned that there are 71 special agent vacancies. We encourage the Subcommittee to fully fund the Law Enforcement Division.

#### **Large Constrictor Snakes**

The HSUS commends the U.S. Fish and Wildlife Service for proposing to list nine species of large constrictor snakes as "injurious," which will prohibit importation and interstate movement of animals as pets. A recent, comprehensive report by the U.S. Geological Survey showed these snakes all pose medium or high risk to our environment; none are low risk. While Burmese pythons and, to a lesser extent, boa constrictors have been established in Florida for some time, it appears that northern African pythons are now breeding there as well. The Service must have the resources to respond quickly to prevent the spread of these species and establishment of new ones.

#### **Environmental Protection Agency**

##### **Toxicity Pathways**

Research focused on molecular screening the potential to revolutionize toxicity testing improving both its efficiency as well as the quality of information available for human safety assessment. However, there is a need for more focus on toxicity pathways, as recommended by the National Research Council's report "Toxicity Testing in the 21<sup>st</sup> Century: A Vision and a Strategy." Such toxicity pathway research is best accomplished by EPA through contracts, grants and collaborations of EPA's National Center for Computational Toxicology with researchers in academia and other institutions. We urge the Committee to incorporate the following report language:

*The Committee strongly supports and has increased funding for the efforts of EPA's Office of Research and Development and its National Center for Computational Toxicology to apply computational chemistry, high-throughput screening and toxicogenomic technologies to predict potential for toxicity. The Center shall focus additional activity to address the issues of metabolism and exposure science in order to overcome these limitations within the current*

*ToxCast program. In addition to the correlative computational profiling research currently being conducted by the Center and its federal partners, the Committee directs EPA, through its Science and Technology budget, to increase its allocation of resources to the National Center for Computational Toxicology to expand its collaborations with other research organizations outside the federal government engaged with proof of concept investigations of specific toxicological pathways.*

**Review and Upgrading of the Test Methods Used in EPA's Endocrine Disruptor Screening Program (EDSP):** EPA's Budget request for 2011 acknowledges that the additional resources appropriated for 2011 will fund "next generation tools" which will speed up EDSP and reduce animal use. *"In FY 2011, the Computational Toxicology Research program will play a critical role in coordinating and implementing research across the Agency. In addition, greater emphasis will be placed on using systems biology based approaches to advance health-based assessments. In FY 2011, EPA is requesting \$21.9 million, an increase of \$1.9 million, to support application of mathematical and computer models to help assess chemical risk to human health and the environment. Funds for next-generation tools will speed and facilitate implementation of EPA's Endocrine Disruptor Screening Program (EDSP)."* [http://www.epa.gov/budget/2011/fy\\_2011\\_congressional\\_justification.pdf](http://www.epa.gov/budget/2011/fy_2011_congressional_justification.pdf)

#### **Multinational Species Conservation Fund**

The HSUS joins a broad coalition of organizations in requesting an increase over the Administration's request for the Multinational Species Conservation Fund (MNSCF) and Wildlife Without Borders. The MNSCF was established by Congress to benefit African and Asian elephants, rhinos, tigers, great apes, neotropical migratory birds and marine turtles. Congress has been very supportive of these programs in the past. Unfortunately in past years, the funding has been considerably less than the amounts necessary to carry out these valuable missions. We ask that you continue to support these highly threatened mammals and birds in FY 2011 by appropriating \$3 million each for the Asian Elephant, African Elephant, Marine Turtle, and Great Ape Conservation Funds, \$6 million for the combined Rhinoceros and Tiger Conservation Fund, and \$6.5 million for the Neotropical Migratory Bird Conservation Fund. We also request \$10.4 million for the Wildlife Without Borders regional program.

While we wholeheartedly support increased funding for the MNSCF, we are concerned about past incidents and future opportunities for funds from these *conservation* programs to be allocated to promote trophy hunting, trade in animal parts, and other consumptive uses—including live capture for trade, captive breeding, and entertainment for public display industry—under the guise of conservation for these animals. Grants made to projects under the MNSCF must be consistent with the spirit of the law.

#### **Protection for Walruses**

We urge this subcommittee to appropriate \$500,000 in FY 11 to fund the continuation of much-needed research on the Pacific walrus. Recently developed methodologies for surveying walrus populations have been used successfully and require sustained funding support to produce reliable population estimates. A comprehensive walrus survey was begun in 2005 and produced preliminary results in 2009 – the effort must receive continued support to maximize the utility of

its results. Walrus are targeted by Native hunters for subsistence, despite a paucity of data regarding their current population status or population structure. Hundreds of walrus are killed annually; in some years this number has climbed to as many as 7,000. Moreover, in some hunting villages, females and their calves are preferentially killed, against the recommendation of the USFWS and standard management practice. A portion of the research funds could also be used to improve the Walrus Harvest Monitor Project, which collects basic management data.

**White Nose Syndrome**

The devastating impact of White Nose Syndrome (WNS) continues to spread across the country affecting bat populations in at least 11 states. A consensus statement issued by scientists and wildlife managers in May of last year calls WNS “the most precipitous decline of North American wildlife in recorded history”. We are grateful that Congress provided the USFWS with additional funding to combat the problem of WNS, but the spread of disease is simply outpacing efforts to control it.

We respectfully ask Congress to: (1) Support the \$4 million increase the Fish and Wildlife Service (FWS) requested for Declining Species; (2) Approve the 2 additional FTEs FWS requested, which we understand are to be the WNS coordinators for Regions 3 and 4; (3) Support the \$3 million increase the U.S. Geological Survey (USGS) requested for science support for FWS and National Park Service priority research, monitoring, and technical assistance needs; (4) Support the \$600,000 increase USGS requested for wildlife: terrestrial and endangered resources; and (5) Include an additional \$5 million in FWS’ Endangered Species: Recovery of Listed Species programming funds.

**Brent Ibata, PhD JD MPH**

**Author: Public Health Law and the Built Environment In American Public Schools**

In support of the USEPA federal fiscal year 2011 Clean, Green and Healthy Schools Initiative by adding \$2mil to help restore funds to pre 2006 levels. FY 2011 PB: \$6.3M, FY 2010 Enacted: \$0.1M, FY 2011 Change: +\$6.2M.

Prior to the establishment of the U.S. Department of Education, the Hoover Commission recognized that there was a significant overlapping of education related functions and that at the federal level there was little incentive for coordination. The Commission opined that “the danger to education lies more in the uncontrolled spread of uncoordinated and specialized educational functions over the government without regard to effective over-all educational development.”<sup>1</sup> The Commission recommended that “co-ordinated planning at the federal, state, and local levels will do much to solve these problems.”<sup>2</sup> By coordination the Hoover Commission appeared to envision a dual federalist model with strong leadership at the state levels.<sup>3</sup> However, the Commission prophetically noted that “[i]f, in the future, education in the states is generally unresponsive to some very pertinent need of individuals in our type of society, certainly the federal government should retain the right to enter the gap by encouraging the states to undertake the responsibility.”<sup>4</sup> The question here is how can the federal government appropriately encourage the states to undertake the responsibility for providing for a healthy school environment?

Some argue that “schools should be protected from political influence and would be best served by placing decisions in the hands of educational experts.”<sup>5</sup> However studies show that “politics – not empirical evidence on the effectiveness of particular programs – forms the basis for most education policy decisions.”<sup>6</sup> A study evaluating the implementation of school health programs found in a nationally representative sample of schools that few schools were addressing the broad range of recommended healthy environmental guidelines.<sup>7</sup>

The current policy of strong federal mandates (NCLB) over a small segment of measurable outcomes (math/reading scores) results in distortion of the already fragmented web of school policy – making it difficult for local educational agencies to sort the mandates from the guidelines.

#### **Chapter 70 of Title 20**

Under current educational policies, \$70 billion in federal monies flow down to local educational agencies under Congressional spending clause authority without clear, succinct conditions of participation for federally funded elementary/secondary educational support.

Re-authorization of No Child Left Behind ought to include deletion of Section 9527 with insertion of a section requiring all schools, by a date certain, to obtain certification of compliance with specific conditions of participation promulgated by the Secretary of Education. These

<sup>1</sup> Hollis P. Allen, The Federal Government and Education – The Original and Complete Study of Education for the Hoover Commission Task Force on Public Welfare, 289 (McGraw-Hill 1950).

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Patrick J. McGuinn, No Child Left Behind and the Transformation of Federal Education Policy, 1965-2005, 196 (University Press of Kansas 2006).

<sup>6</sup> Id.

<sup>7</sup> Nancy D. Brener, et al., Applying the School Health Index to a Nationally Representative Sample of Schools, 57 J School Health 57 (2006).

conditions of participation ought to include only those minimal teacher qualifications, minimal annual yearly progress, minimal rights for children with disabilities, minimal privacy rights that already exist in federal statutory law, in addition to minimal built environment standards. Validation surveys can be completed by either the U.S. Department of Education, the individual states (through contracts with the U.S. Department of Education) or by an NGO with “deemed status” authority. Prior to JCAHO changing its surveys from announced to unannounced, the GAO reported<sup>8</sup> that CMS needed additional authority over patient safety in hospitals. Validation surveys of schools would need to be thorough and unannounced to observe school operations *in situ*.

#### **Alternatives**

There are several alternatives to establishing national minimal standards for the built environment in public schools. One obvious alternative is maintaining the status quo leaving regulation of the built environment in public schools to continue on a state-by-state basis. However, rather than decreasing the fragmentation of policies – this alternative would most likely increase the fragmentation. Another alternative is to increase state control over local educational agencies – however, given federalism restrictions these sorts of reforms would have to occur on a state-by-state basis leaving the children in the poorest states behind. A third alternative, currently being attempted across the country is state-by-state litigation seeking to compel either the state or local educational agency to provide better/more equitable school facilities. According to 2003 estimates, there were over 1900 cases across the country involving school facilities.<sup>9</sup>

#### **Continuous Quality Improvement in Education**

In 1926 the American College of Surgeons published the first Manual of Hospital Standardization.<sup>10</sup> One single sentence in Title 42 of the United States Code grants “deemed status” to hospitals who have been accredited by the Joint Commission on Accreditation of Hospitals (JACHO), 42 U.S.C. 1395bb(a). All hospitals must be accredited by participating in a validation survey by the Joint Commission (JCAHO) or state agency to confirm compliance with the Centers for Medicare & Medicaid Services (CMS) conditions of participation (See, 42 C.F.R. 482.1 *et seq.*). One sentence, added to Chapter 70 of Title 20 could similarly grant an NGO authority to perform validation surveys of public schools.

The annual inspection of schools is by no means a new concept. In his Report of 1843, Horace Mann describes how it is the duty of the deputy superintendents appointed for each county in New York to visit and examine all schools twice a year and report their conditions to the State superintendent.<sup>11</sup> Just like academic standards based on reading and writing ignore other equally important skills, inspecting a school for fire safety alone (the only environmental area found to have high compliance) ignores other hazards in the built environment. School inspection guidelines ought to include minimum standards with sufficient flexibility to accommodate unique learning environments with unique hazards. For example, it would be entirely inappropriate to require lahar drills for students in Iowa – but the absence of a routine

<sup>8</sup> GAO, Medicare – CMS Needs Additional Authority to Adequately Oversee Patient Safety in Hospitals, (GAO-04-850).

<sup>9</sup> Faith E. Crampton and David C. Thompson, Eds., Saving America's School Infrastructure, 174-175 (IAP 2003).

<sup>10</sup> Carl M. Brauer, Champions of Quality in Health Care – A History of the Joint Commission on Accreditation of Healthcare Organizations, 24 (Greenwich Publishing Group 2001).

<sup>11</sup> Horace Mann, Life and Works of Horace Mann Vol. III, 364 (Lee and Shepard 1891).

lahar drill for a school located in one of the valleys surrounding Mt. Rainier would be a cause for concern.<sup>12</sup>

In 1841 Horace Mann observed that a manufacturer in a market based economy will purchase the best labor at the cheapest cost, “The capitalist and his agents are looking for the greatest amount of labor, or the largest income in money from their investments; and they do not promote a dunce to a station where he will destroy raw material, or slacken industry, because of his name or birth or family conditions.”<sup>13</sup>

The added costs associated with improved built environment standards are often exaggerated. In the mid-19th Century Horace Mann noted that “a healthful, comfortable school-house can be erected as cheaply as one which, judging from its construction, you would say, had been dedicated to the evil genius of deformity and suffering.”<sup>14</sup> A simple structural change to improve indoor air quality could have been installed in 19th Century school houses “unattended with any perceptible expense.”<sup>15</sup> “Unequal social relationships shape health disparities through differences in environmental exposures and access to resources, including access to quality health care. These disparities are created and sustained through dynamic processes that are implemented through legal, political, and economic systems.”<sup>16</sup>

The disparities observed between the quality of the built environment in wealthy schools compared to poor schools that we see in 21<sup>st</sup> Century schools might have been avoided if Horace Mann’s vision was embraced. In his Report for 1845, Horace Mann began with the following first paragraph:

“Gentlemen, -

The extraordinary facts exhibited in my last Report, respecting the manner of apportioning school-money among the district, have turned public attention to that important subject. Those facts have already induced some towns to make very material modification in the manner of distributing their money; and they promise to do the same thing in many more. The great doctrine which it is desirable to maintain, and to carry out, in reference to this subject, is *equality of school-privileges for all the children of the town, whether they belong to a poor district or a rich one, a small district or a large one.*”<sup>17</sup>

Improvement of the built environment of the American public school is a first step in responding to the “clear and present danger”<sup>18</sup> of the quality of life falling in the United States as a consequence of failing public schools. Horace Mann observed in 1845 that “improvements in schoolhouse architecture – including in the phrase all comfortable and ample accommodations for the schools – is only an improvement in the perishing body in which they dwell.”<sup>19</sup> The two-century experiment of near absolute local-control of the school is producing results that indicate

<sup>12</sup> Mt. Rainier is one of the North America’s most dangerous volcanoes and when it erupts it will fill the valley with a rapidly advancing wall of lava, ice and mud – students would have minutes to evacuate low lying schools for safer higher ground.

<sup>13</sup> Horace Mann, *Life and Works of Horace Mann Vol. III*, 96 (Lee and Shepard 1891).

<sup>14</sup> Horace Mann, *Life and Works of Horace Mann Vol. II*, 52, 375 (Lee and Shepard 1891).

<sup>15</sup> Horace Mann, *Life and Works of Horace Mann Vol. II*, 54 (Lee and Shepard 1891).

<sup>16</sup> Amy Schulz and Mary Northridge, *Social Determinants of Health: Implications for Environmental Health Promotion*, 31 *Health Educ Behav* 455, 467 (2004).

<sup>17</sup> Horace Mann, *Life and Works of Horace Mann Vol. IV*, 1 (Lee and Shepard 1891).

<sup>18</sup> National Center on Education and the Economy. *Tough Choices or Tough Times*, XIX (John Wiley & Sons 2007).

<sup>19</sup> Horace Mann, *Life and Works of Horace Mann Vol. IV*, 3 (Lee and Shepard 1891).



a greater need for state and federal guidance. Today, “schools that are poorly designed or poorly maintained are all too common in cities across America. Not only are they often unhealthy for students, teachers, and other who occupy them, but also they send a message that the community doesn’t care.”<sup>20</sup>

Greater state control over the built environment of public schools without external validation is prone to failure. The State of New York passed the Rebuild Schools to Uphold Education (RESCUE) Law of 1998 that required safety inspections, safety ratings, monitoring, and school facility report cards. An evaluation by the Healthy Schools Network found poor enforcement and oversight by the State Education Department. Specifically, the Healthy Schools Network found: (1) no implementation of school facility report cards; (2) lack of record keeping of enforcement actions; (3) anecdotal evidence of inconsistent and ineffective school-level enforcement of RESCUE, and significant non-compliance (25%) with mandatory building surveys.<sup>21</sup>

#### **Failures of Federal Attempts to Regulate Schools**

The failure of the Federal government to promulgate effective standards related to the school environment, teacher qualifications and curriculum is due largely in part to the spending clause’s mandate that Congress must tie the funds to unambiguous conditions related to a legitimate Federal interest, *South Dakota v. Dole*, 483 U.S. 203, 207-208 (1987). Political feasibility is a constraint on environmental policy and can often explain the failure of the government to intervene.<sup>22</sup> When the government does intervene compliance can be weak for a variety of reasons: first, monitoring of the environment can be complicated and expensive; and second, it is easier for Congress to write laws than it is to promulgate “enforceable and scientifically meaningful” standards.<sup>23</sup> The traditional approach to environmental policy followed a “command-and-control” model with laws enabling administrative agency power to issue rules that impose mandates in a top-down approach – typically targeting single toxins with specific mandates.

In 1848, Horace Mann recognized that it would be, wholly impossible to write out any code of ‘rules and regulations’” applicable to all circumstances that “embrace the almost infinite varieties of our daily life, - exercise and rest; sleeping and watching; eating, drinking and abstinence; the affections and passions; exposure to vicissitudes of temperature, to dryness and humidity, to the effluvia and exhalations of dead animal or decaying vegetable matter: in fine, they [laws of human physiology] embrace all cases where excesses, indiscretions, or exposures may induce disease; or where exercise, temperance, cleanliness, and pure air may avert it.”<sup>24</sup>

It would be a fool’s errand to attempt to draft an exhaustive code of rules and regulations to prevent every imaginable hazard in the built environment of schools. However, this does not justify the failure of federal, state and local governments to provide minimum standards for a safe & healthy environment by identifying the most cost-effective measures to gradually improve the built environment in schools rather than passively watch as it decays under its own weight.

<sup>20</sup> American Architectural Foundation, Report from the National Summit on School Design, 43 (American Architectural Foundation 2006)

<sup>21</sup> Healthy Schools Network, Inc., The Healthy and High Performance School – Improving Student Health Improving Student Achievement and Saving Money for Schools, 9 (March 8, 2004).

<sup>22</sup> Walter A. Rosenbaum, Environmental Politics and Policy, 56 (CQ Press 2002).

<sup>23</sup> Paul R. Portney and Robert N. Stavins, Eds., Public Policies for Environmental Protection, 27 (Resources for the Future 2000).

<sup>24</sup> Horace Mann, Life and Works of Horace Mann Vol. IV, 235-236 (Lee and Shepard 1891).

**Written Public Testimony**  
**Submitted to the Subcommittee on Interior, Environment, and Related Agencies**  
**of the House Committee on Appropriations**  
**March 19, 2010**  
**Gary Kleinknecht**  
**President, Ice Age Floods Institute, Richland, Washington**

*SUBJECT:* The addition of a small amount, \$250,000, to the President's proposed FY 2011 budget for the National Park Service Operations account, in order to begin organizational work on the Ice Age Floods National Geologic Trail project, which involves parts of Montana, Idaho, Washington and Oregon, and is authorized by PL 111-11, Sec. 5203.

Because it has been determined that the President's proposed FY 2011 budget does not provide enough funding for NPS to move ahead on the development of the Trail, many Representatives from the region have received formal appropriation requests for this item from constituents. At this time, of course, it is not known if this requested item will be accepted for inclusion in the Interior appropriations bill at any of the steps as the bill moves from the Subcommittee, to the full Committee, and then is considered on the floor in the House. It is that uncertainty that prompts the submission of this testimony.

However, it is an established fact that all 25 members of the region's current Congressional delegations (House and Senate, MT, ID, WA, OR, Republican and Democrat) are on record as supporting the authorization of the Trail, either in the form of the identical bills introduced by Rep. Doc Hastings and Sen. Maria Cantwell, beginning in the 108th Congress, or as a part of PL 111-11, the Omnibus Public Land Management Act of 2009, signed into law by the President nearly a year ago.

It is not my purpose here to recount the reasons for recognizing the Floods as a truly significant part of the nation's natural heritage. The justification has been well-documented in earlier studies and hearings, and in the language of the authorizing act itself. What now must be faced are questions and objections that will be raised, with respect to actually appropriating the funds that are needed to go forward with the Trail project.

These are undeniably difficult times, and careful consideration must be given to all public expenditures and sources of revenue, and to the effect of public measures on the economic circumstances of the population. With that very much in mind, I am here recommending that this requested item would be a sound investment of public funds, and would have a positive effect on the economy.

The funding now being requested is for the start-up and operation of a small Trail office. The first tasks will be related to the collaborative development of the management and interpretive plan required by PL 111-11. It certainly could be remarked that the size of the request bears no relationship to the awesome scale and power of the Floods themselves, or the dramatic effects they wrought on a huge part of the Pacific Northwest.

*Distribution of \$250,000 being requested:* \$200,000 for salary and benefits (two employees in FY 2011--the Trail Superintendent and an Interpretive/Education Specialist); \$20,000 for two leased vehicles; \$15,000 for travel (extensive travel in the four-state area); \$10,000 for office equipment (computing, copying, phones, etc.); and \$5,000 for office supplies.

Objections may be raised that this item would add to the deficit and do nothing to add jobs and help with economic recovery. It is more likely that the dollars are already being recovered, without special promotion of the Trail.

This is not to suggest that the request and the Trail project can now be ignored, but to point out that this appropriation request responds to the opportunity that there is now to make significant, but not instantaneously obvious, increases in employment, small business profits, and tax revenues, largely to the benefit of rural communities that regrettably have had to contend with economic distress and decline for many years.

There clearly has been increased media attention to the Ice Age Floods and their effects, and to the theme of eco-tourism. It definitely is reasonable to believe that hotels, motels, RV parks, restaurants, gas stations, grocery stores, etc., are directly benefiting from growing interest in the Trail project, even before it is begun. We can expect that more people are right now coming to the region, or are extending their visits, in order to explore the landscape left by the Floods. And local residents are probably spending more of their tourism and recreation dollars in the region, as they deal with restricted incomes and high fuel costs. Particularly in the case of local residents, many will discover reasons to make repeated visits to the Floods area.

But anyone who does visit the region, or is considering doing so, is likely to ask, *Why is there no coherent interpretive program to explain these amazing floods and their remarkable legacy?* That question has been under discussion for at least 20 years. The basic concepts of how to proceed are now stated in the authorizing act, but the remaining impediment is that the funding has not yet been provided for NPS to coordinate the activities and resources of many partners, in telling the story.

With some justification, earmarks have come under close scrutiny in discussions of the federal budget and the budgeting process. However, it now appears that the term may be being applied too broadly, and some sound expenditures may be disallowed "on principle". With respect to any meaningful criteria, the Trail project fails to qualify as an "earmark". In all stages of study and discussion, the Trail proposal has involved four states. The NPS Special Resource Study, in response to widespread interest and with public participation, was launched in 1999 and presented to Congress in 2001. Authorizing legislation has been considered in every Congress, from the 108th on. And there has been consistent bi-partisan support from the start, from across the four-state region. Funding for the Trail project deserves attention on its merits, in a straightforward consideration of proposals that have an honorable history and justification, have been authorized by statute, and have good prospects for a real return on investment.

There is one particular aspect of the Trail proposal that offers surprising economy in achieving the project's objectives. The Trail will be based on existing public land holdings, which are adequate to offer a very good presentation of Flood features and phenomena. There is no

authorization for federal land acquisition or new land-use regulation or change of jurisdiction, to develop the Trail. However, the existing management agencies already have their respective responsibilities and funding related to research, interpretation and recreation based on their holdings. In fact, much of the interest in the Trail grew out of a shared concern for those responsibilities and the opportunity there might be to collaborate in performing their work as it related to effectively presenting the Floods story. This accounts for the involvement of the Bureau of Land Management, U.S. Forest Service, Bureau of Reclamation, U.S. Fish and Wildlife Service, and Army Corps of Engineers in the ongoing discussions that led to the Trail proposal. It will largely be through these agencies' participation that economic benefit will be derived from the non-extractive, conservationally sound use of public lands as the basis for the Trail.

In any interpretive effort involving several partners, it is important to make a determined effort to provide a consistent, authoritative and honest presentation of the current state of knowledge. From the perspective of the general public, noticeable differences will lead to calling all of the presentations in question, to no one's benefit or credit. This is particularly challenging in the case of the Ice Age Floods, where the basic story is well understood, but some details are difficult to determine. However, to claim that all the answers have been found is to misrepresent all scientific inquiry. Here again, there may be a fortunate circumstance in the Trail situation, in that some form of expert peer review is already acknowledged to be a necessary component of the Trail project, and is being applied to review text and illustrations for a Washington State Parks project that is currently under way. The concern of all parties is that the WSP project should be consonant with what comes later, when the Trail is actually under development. Because of the longstanding involvement of staff of the U.S. Geological Survey, as well as state geological agencies and academic earth science departments, a high but achievable standard has been set for the Trail.

It might seem unlikely, but an honest presentation of scientific uncertainty should in itself have a tangible benefit. There are a number of issues under discussion in our society that have some connection with the Floods phenomenon, and which call for skills and interests that are under-represented in our scientific and technical workforce. Inquisitive youngsters who become interested in unresolved questions regarding the Floods are likely candidates for careers in the specialties that will help us in understanding major cycles in climate change, in preparing for visits to Mars, and, perhaps most urgently, in dealing with issues of water supply and water quality, and the sustainability of agriculture and fisheries.

The Ice Age Floods National Geologic Trail would be a new kind of National Trail, fitted to the scale and special nature of the Floods phenomenon, and to the availability of suitable public land resources, which are under the management of a wide variety of agencies. The National Park Service would primarily be responsible to coordinate the large collaborative interpretive Trail project that would be organized to make a unified, "branded", consistent and authoritative presentation of these Floods that affected a huge area in the Pacific Northwest.

The basic elements of the Trail would be designated auto touring routes on public roads, with strategically located interpretive facilities, some of which already exist, plus other related recreational and educational activities, utilizing public lands. Other public agencies, not just

federal, would be voluntarily involved, in line with their established responsibilities and funding for land management and conservation, education and recreation, roads, scientific assessment of geology and hydrology, etc. Private institutions and organizations, including the Ice Age Floods Institute, will voluntarily be working on the project, too. In addition, there would be opportunities for associated services to be provided by businesses such as outdoor guides and outfitters, cruise and tour operators, and charter flightseeing services.

The authorizing bill does allow for the development of major capital projects, but only in partnership with other public or private organizations and in conformity with the overall Trail plan. To quote from Section 5203 of the authorizing act: "Interpretive facilities---The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or non-profit entities and are consistent with the plan."

In the presentations and facilities related to the Trail, the participation of all the kinds of public and non-profit entities that I have mentioned would be prominently recognized with appropriate signs and credits. The Trail will be a significant model of what can be accomplished in a structure of partnership and coordinated collaboration.

An organizational scheme for the Trail is eagerly awaited by the many potential partners. For years, what had been lacking was (1) the appropriate "national" designation of this major interpretive project, (2) the critical element of assigning coordinating authority and responsibility, and (3) the provision of funding to accomplish the coordination. With the designation and assignment now accomplished, what immediately needs to be done is to provide the relatively modest start-up funding to the National Park Service, for it to begin to function as the agency that will enable a unified project to go forward.

No benefit will be gained by delaying the start-up work on the Ice Age Floods National Geologic Trail. The requested funds will be a good investment of scarce federal dollars, because the Trail will present a significant and fascinating chapter in Earth's history, contribute to general public understanding of natural processes and their effect on our ways of life, attract more workers to currently important fields related to the natural sciences, and bring substantial on-going benefits to the large region that was the setting for the story.

Consequently, I urge that the item requested here be approved by the Subcommittee and included in the bill that is forwarded by the full Appropriations Committee to the floor of the House.

And I want to thank the Subcommittee for this opportunity to present testimony for this small but critical budget item. Please contact me if further information would be helpful.

Gary Kleinknecht, President  
Ice Age Floods Institute  
c/o CREHST Museum (Columbia River Exhibition of History, Science & Technology)  
95 Lee Blvd., Richland, WA 99352  
Phone: (509) 627-1654 E-mail: [president@iafi.org](mailto:president@iafi.org)



The Honorable Mike Simpson  
 U.S. House of Representatives  
 Washington, D.C. 20515

Dear Congressman Simpson,

I am writing in support of an appropriation of \$2.2 million from the Land and Water Conservation Fund for the Idaho Wild and Scenic Rivers program to protect the 160-acre Morgan Ranch property. The FY 2011 President's Budget request included \$1 million for this project, but the full \$2.2 million appropriation is needed to complete the protection of the property this year.

Over the past few years, the Forest Service has been working to protect natural and recreational resources along the Salmon River and its tributaries by securing interests in critical inholdings from willing sellers via fee ownership or conservation easements. In many cases, the Salmon River program has reduced the cost of Forest Service management by eliminating inholding boundaries or assisting fire-fighting efforts.

The Morgan Ranch property is a 160-acre wilderness inholding within the Salmon-Challis National Forest that lies along the Middle Fork of the Salmon Wild & Scenic River corridor in Valley County. Half of the property consists of valuable wetlands and riparian habitat, including Prospect Creek and Sulphur Creek drainages. The tract is also located just downstream from the Boundary Creek campground and river access point, of two sites along the Middle Fork of the Salmon. The landowner is interested in working with the Forest Service to conserve the property, while retaining private structures and uses on a portion of the property.

The protection of this inholding will secure for the public recreational access to the Middle Fork of the Salmon, prevent incompatible development, and protect important riparian habitat. Thank you for your consideration of this request.

Sincerely,

John Robison  
 Public Lands Director  
[jrobison@idahoconservation.org](mailto:jrobison@idahoconservation.org)  
 (208) 345-6942 x 13



## International Association of Fire Chiefs

*Providing leadership for the fire and emergency services since 1873*  
4025 Fair Ridge Drive • Fairfax, VA 22033 • Tel: 703.273.0911 • Fax: 703.273.9363 • [www.iafc.org](http://www.iafc.org)

19 March 2010

The Honorable James P. Moran  
Chairman  
U.S. House Appropriations Subcommittee on  
Interior, Environment and Related Agencies  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Michael K. Simpson  
Ranking Member  
U.S. House Appropriations Subcommittee on  
Interior, Environment and Related Agencies  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Moran and Ranking Member Simpson;

On behalf of the International Association of Fire Chiefs (IAFC), I request your support for the U.S. Forest Service (USFS) and Department of the Interior (DOI) "FLAME Fund" and your efforts to ensure they are funded at appropriate levels that will cover the cost of emergency fires and eliminate the need to transfer funds from non-fire programs. Additionally, we ask that you continue to provide direction to the agencies to use the most current and best informed means of estimating annual suppression, rather than using the traditional 10-year average. Please accept this letter per the Committee's request for written public testimony concerning Fiscal Year (FY) 2011 appropriations.

In 2009 the Federal Land Assistance, Management and Enhancement Act (FLAME Act), established two funds, one for the USFS and another for DOI. Congress included specific instructions that FLAME should be funded with improved estimates and not at the expense of other agency programs. In FY2010, the Forest Service received \$413 million and DOI received \$75 million for their respective FLAME funds.

We are appreciative of the Administration's attention to this important issue and their commitment to find a solution. However, the current budget proposal may create an obstacle to the progress thus far. The FY2011 proposed budget includes a Presidential Wildland Fire Contingency Reserve for each agency in addition to the FLAME Funds. These Contingency Reserves are accessible after the "regular" suppression dollars and the FLAME Funds have been exhausted and require a Presidential declaration to be accessed. The reserves are duplicative of the FLAME funds and take away from the potential of what the FLAME funds were intended to accomplish. The FLAME Act already lays out the partitioning of the wildland fire suppression account and how they should be funded and managed.

We request that instead of creating four accounts for "emergency" wildland fire suppression activities, you direct funding to the existing FLAME accounts and at appropriate levels. Additionally, we ask that you continue to provide direction to the agencies direction to the agencies to develop FLAME and "regular" suppression funding estimates that are based on an accurate, predictive model, and not on the outdated, traditional rolling 10-year average.

*IAFC letter, 19 March 2010  
Page 2*

I thank the Committee for this opportunity to highlight the fire suppression funding needs of the federal agencies and America's fire service in their wildland fire response. We look forward to working with you on its continued support. If you have any questions, please feel free to contact Lucian Deaton, of the IAFC Government Relations Department, at (703) 537-4818.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff D. Johnson". The signature is stylized with a large "J" and "D".

Chief Jeffrey D. Johnson, EFO, CFO, MIFireE  
President and Chairman of the Board





International Code Council  
 500 New Jersey Avenue, NW  
 Sixth Floor  
 Washington, DC 20001  
 tel: 888.icc.safe (422.7233)  
 fax: 202.783.2348  
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House Committee on Appropriations  
 Subcommittee on Interior, Environment, and Related Agencies  
**Written Public Testimony on Fire Funding**  
 March 16, 2010

Please accept this testimony on behalf of the International Code Council (ICC). We are a non-profit membership association dedicated to building safety, energy efficiency and fire prevention. We develop the codes used to construct residential and commercial buildings, including homes and schools. The vast majority of U.S. cities, counties, and states choose the International Codes, developed by the International Code Council. These codes also serve as the basis for construction of federal properties around the world, and as a reference for many nations outside the United States. ICC is also the predominate leader in providing the principal wildland/urban interface code (IWUIC) which is used here in the United States and throughout the world.

In the 1980's, communities across the United States were losing about 670 structures a year to wildfire. Today that figure has escalated to well over 3000 structures lost per year. During the decades of the 1980's and 1990's, wildland firefighting costs were averaging about \$600 million a year. Today that figure for federal agencies is well over \$2 billion and rising dramatically. First responder and civilian fatalities have also risen during this period, having reached the highest numbers in modern history. In addition impacts on budgets for local cities, counties and state governments have been staggering. Wildland fire is a growing threat to our cities, towns, communities and individual homeowners. These fires have grown more severe and frequent as a result of land use and climactic influences and because increasing numbers of people are living in these fire prone areas.

We request that appropriators reaffirm their commitment to the USDA Forest Service (Forest Service) and Department of the Interior (DOI) FLAME funds. They should be funded at appropriate levels that would cover the cost of emergency fires and eliminate the need to transfer funds from non-fire programs. Additionally, we urge appropriators to provide direction to the agencies to use the most current and best-informed means of estimating annual suppression costs, rather than using the traditional 10-year average.

In 2009 the Federal Land Assistance, Management and Enhancement Act (FLAME Act), established two funds, one for the Forest Service and another for DOI. Congress included specific instructions that FLAME should be funded with improved estimates and not at the expense of other agency programs. In FY2010, the Forest Service received \$413 million and DOI received \$75 million for their respective FLAME funds.

We are encouraged to see the Administration's attention to this important issue and a commitment to find a solution. However, the current budget proposal creates an obstacle to progress thus far. The President's budget proposal for FY2011 includes not only the FLAME Funds for each of the agencies but also a Wildland Fire Contingency Reserve for each agency. These Reserves are accessible after the 'regular' suppression dollars and the FLAME Funds have been exhausted and require a Presidential declaration. These Contingency Reserves are duplicative of the FLAME funds

and diminish the intended potential of the FLAME funds. The FLAME Act already specifies the partitioning of the wildland fire suppression account and how they should be funded and managed.

We request that instead of creating four accounts for ‘emergency’ wildland fire suppression activities, that the appropriators reaffirm their support for the FLAME Act by funding only the FLAME accounts and at appropriate levels. Additionally, we recommend the appropriators continue providing direction to the agencies to develop FLAME and regular suppression funding estimates that are based on an accurate, predictive model, and not on the outdated, traditional rolling 10-year average.

Our organization is a member of the Partner Caucus on Fire Suppression Spending Solutions (Partner Caucus) – a unique and diverse group of organizations dedicated to finding a new, improved mechanism for funding emergency fire suppression activities for the Forest Service and DOI land management agencies. Assembled in early 2009, the Partner Caucus includes leading industry, environmental, outdoor recreation, and forestry organizations that all recognize the urgency of this problem.

The Partner Caucus was created to bring attention to the imperative need to release the stranglehold that emergency suppression costs are having on the agencies’ budget and programs, and the resulting negative economic and environmental impacts.

ICC agrees with our Partner Caucus co-members that the following set of recommendations is necessary to resolve the fire-funding problem:

- 1) Congress needs to pass legislation that creates a partitioned wildfire suppression account to fund emergency/large wildfire suppression;
- 2) The funding sources for that partitioned account should not impact the non-emergency budgets for the Forest Service and DOI;
- 3) All fire suppression funding must be based on a more accurate predictive model instead of the traditional 10-year average formula, and
- 4) Congress and the Administration should direct the Forest Service and DOI to continue developing and implementing rigorous cost-containment measures while also investing in the broad range of programs vital to the agencies’ core missions.

In addition to the above recommendations, we strongly support the original FLAME ACT requirements of reducing the risk of wildfires in fire-ready (fire adapted) communities and would like to see the following areas given emphasis:

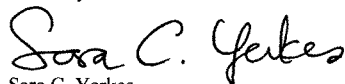
- It is very important to have a cooperative fire agreement that articulates the roles and responsibilities for federal, state and local government entities in local wildfire prevention, suppression, and protection efforts.

House Committee on Appropriations  
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Written Public Testimony on Fire Funding  
Page 3

- Of the 65,000 communities that are at risk of wildland fire in the U.S. only about 7% have completed community wildfire protection plans (CWPP's), approximately 4762 plans. This is a very positive and effective program but it needs more recognition and emphasis in order to substantially raise woefully insufficient number of completed CWPP's. We are a strong advocate of cities, towns, communities and counties adopting building, fire and WUI codes that require fire-resistant home design and building materials.
- A program should be established that requires communities, in order to be eligible for federal grants, to first adopt a community wildfire protection plan and appropriate codes (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6502).
- We encourage a more engaged and successfully collaborative process concerning wildland fire that includes multiple interested persons representing diverse interests and is transparent and nonexclusive, such as a resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500). On March 1<sup>st</sup> of this year a key recommendation of the 2008 National Blue Ribbon Panel on Wildland Urban Interface Fire was initiated with the formation of the National Wildland Urban Interface Council. This new coalition of over 60 national organizations is the key to solving some of the issues associated with wildland fire and the wildland urban interface by engaging in more collaborative efforts. We strongly support this effort and would like to see it receive more recognition.

We are grateful for this Congress's commitment to address the increasing cost of fire suppression and the impacts not only to federal agencies but also to local communities, towns, cities and states.

Sincerely,



Sara C. Yerkes  
Senior Vice President of Government Relations

TESTIMONY TO THE HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
Presented by: Ervin Carlson, President  
InterTribal Bison Cooperative  
Fiscal Year 2011

March 19, 2010

I. INTRODUCTION AND BACKGROUND

As a member of the Blackfeet Nation and President of the InterTribal Buffalo Council (ITBC), I appreciate the opportunity to submit written testimony to the honorable members of the House Committee on Appropriations; Subcommittee on Interior, Environment and Related Agencies. ITBC, recently reorganized from a non-profit corporation to a federally chartered Indian organization under Section 17 of the Indian Reorganization Act is headquartered in Rapid City, South Dakota. ITBC is comprised of fifty-six (56) federally recognized Indian Tribes in eighteen (18) states that are committed to the restoration, preservation and protection of buffalo in Indian Country and beyond. In this testimony, I will address: 1) ITBC's request for a \$3,000,000 appropriation for Fiscal Year 2011, from the Department of Interior to continue buffalo restoration efforts, provide expert technical assistance, implement a marketing initiative, develop facilities to accommodate buffalo released from the Yellowstone quarantine facility and continue the viable health initiative to prevent and treat diet related diseases among Native Americans; and 2) convey to the Committee the unmet needs of the ITBC membership.

Historically, Native Americans, particularly in the Plains regions of North America, relied heavily on buffalo for survival. This dependence on buffalo cultivated the strong spiritual and cultural relationship between Native Americans and buffalo that has not diminished with the passage of time. In the 1800's, buffalo were needlessly slaughtered to a point of near extinction during the period Native Americans were moved onto reservations. While Tribe's long desired sufficient lands, financing and capacity to protect buffalo, this desire did not come to fruition until the early 1990's with the formation of the ITBC. ITBC was established to promote the mission of preserving the sacred relationship between Indian people and buffalo through the restoration of buffalo to Tribal lands. ITBC envisioned the restoration of buffalo to Tribal lands could foster sustainable economic development that would be compatible with Tribal culture. ITBC first received federal funding through the Department of Interior in 1992 to commence restoration efforts.

Federal appropriations have allowed ITBC to successfully restore buffalo to over fifty Reservations, thereby re-establishing the sacred relationship between Indian people and buffalo. With healthy, viable buffalo herds, opportunities now exist for Tribes to utilize buffalo for economic development and for the prevention and treatment of the diet related diseases that gravely impact Native American populations such as diabetes, obesity, cardio-vascular disease. Economically sustainable herds will allow Tribes to utilize a culturally relevant resource in a manner that is compatible with their spiritual and cultural beliefs.

## II. FUNDING REQUEST

The InterTribal Bison Cooperative respectfully requests an appropriation for FY 2011 in the amount of \$3,000,000.00. This amount would restore ITBC federal funding to the FY 2006 appropriation level and would allow ITBC to successfully accomplish its goals and objectives. This request will help balance ITBC's continuing growth in membership with its funding level. A \$3,000,000.00 appropriation would restore vital funding that was cut from the administration's FY 2007, FY 2008 and FY 2009 budgets. \$3,000,000.00 in appropriated funding will allow ITBC Tribes to continue successful buffalo restoration efforts, to implement ITBC's marketing and infrastructure development initiative, to restore the health initiative for the prevention and treatment of diet related diseases among Native American populations, and develop facilities to accommodate buffalo released from the Yellowstone National Park quarantine program.

## III. FUNDING SHORTFALL & UNMET NEED

In FY 2006, ITBC and its member Tribes were funded through appropriations at \$4,150,000.00. The President's budget in FY 2007 and FY 2008 eliminated funding for ITBC. ITBC was funded \$1,000,000.00 in FY 2007 and FY 2008 through a Congressional appropriation. In FY 2009 ITBC was funded \$1,000,000.00 through a Congressional appropriation and \$421,000.00 from Bureau of Indian Affairs (BIA) carryover funds from FY 2008. In 2009 and 2010, ITBC has been funded \$1,000,000.00 from the BIA's Wildlife Management line item. ITBC had started a successful Marketing Program and Health Initiative that addressed diet related health problems that are epidemic on most of our Reservations when ITBC's funding had been drastically reduced.

Without the restoration of funding close to the FY 2006 level, new member Tribes will not receive adequate funding to begin buffalo restoration efforts. Tribes that have successfully restored buffalo to Tribal lands will not receive adequate technical assistance and resource development funds to ensure the sustainability of existing herds. Furthermore, the investment made by Congress in FY 2006 towards ITBC's health care initiative has been cut to the point of almost being non-existent.

ITBC funding benefits member Tribes via direct awards of Herd Development Grants for restoration or herd maintenance and also provides critical technical assistance for herd health needs, range management and herd management training. ITBC surveys member Tribes annually to determine unmet project needs and currently the total unmet needs for ITBC member Tribes' projects is approximately \$7,000,000.00. These needs include infrastructure (fencing and corrals) needs, equipment, water development, range development, marketing, and a processing facility.

## IV. ITBC GOALS & INITIATIVES

The goal of ITBC is restoration of buffalo to Indian lands for Tribes to utilize as sustainable economic development efforts. ITBC's ultimate goal is for Tribal buffalo herds to achieve economic sustainability and become integrated, on a daily basis, into the diets of reservation populations.

### Tribal Buffalo Marketing to Achieve Viable Economic Development

In 1991, seven Indian Tribes had small buffalo herds that collectively comprised less than 1,600 animals. The buffalo provided little or no economic benefit to the Tribal owners. ITBC has proven extremely successful at buffalo restoration in its 15 years of existence. Today, with the support and technical assistance of ITBC and its fellow member Tribes, 56 Indian Tribes are engaged in raising buffalo or developing plans to raise buffalo with a goal of achieving economically sustainable herds. ITBC and the member Tribes have restored approximately 15,000 buffalo back to Tribal lands for use by the Tribes and their members. Collectively, Tribes raise the largest buffalo herd in the United States.

Many of these Tribal buffalo programs have developed herds large enough to justify plans for marketing products as a step towards self sufficiency. However, Tribes must have the resources to build solid foundations for this new industry and viable marketing options to achieve economic development efforts. ITBC's marketing initiative is in an infancy stage and renewed funding is critical to achieve meaningful economic opportunities for Tribes. ITBC had launched efforts to develop viable markets for Tribal buffalo both in the private sector and through coordination with federal agencies. However, ITBC has been unable to compete for large scale buffalo meat contracts due to its inability to maintain a constant, cost-effective supply chain. To re-initiate these efforts, provide critical marketing training for individual tribes, and to acquire sufficient pasture lands to maintain a significant supply of buffalo to accommodate large-scale product orders, ITBC requests \$1,000,000 in funding.

ITBC member Tribes face a multitude of obstacles when trying to get their buffalo to market. The remoteness of the reservations requires the transportation of buffalo over long distances to processing plants resulting in higher operating costs. Some processing plants are reluctant to process range fed buffalo while others require that animals be corn finished in a feedlot which compromises ITBC's objective to deliver natural, range-fed, low-fat buffalo products. To remedy this obstacle, ITBC seeks funding in the amount of \$500,000 to purchase an USDA approved mobile slaughter unit and equipment for transportation and/or storage of live and processed buffalo. Additionally, funds will be utilized to train ITBC member tribes on use of the mobile slaughter facility. Presently, at least three USDA approved mobile slaughter units process buffalo in the US. ITBC would like to acquire a unit for use by the member Tribes to maintain the integrity of ITBC's natural range-fed buffalo. ITBC has discussed this request with the BIA Economic Development Office although no funding has been allocated.

### Yellowstone National Park Bison Quarantine Facility

ITBC has long been considered the 'informal protectors' of buffalo in the United States and in this capacity, ITBC has long been at the table with other federal and State agencies surrounding the Yellowstone National Park to address the brucellosis concerns of Yellowstone Park buffalo. The slaughter of buffalo that forage outside the Park in Montana as well as the recent transfer of treated buffalo to private ownership has resulting in public outcry. ITBC proposes to develop facilities to accommodate the buffalo coming out of the Yellowstone National Park quarantine facilities to ensure

animals are going to Tribal lands as the Greater Yellowstone Area initial management plans intended. ITBC tribes desire acquiring the buffalo but have been limited by the required infrastructure to accommodate the animals. ITBC requests funding in an amount of \$500,000.00 to coordinate with the National Park Service and other federal agencies to develop a program to accommodate buffalo released from the Yellowstone quarantine facility that ensures continued protection of buffalo while minimizing disease concerns for livestock industries. The funding request will accommodate transportation, testing, adequate pasture with required fencing, and maintenance costs with a goal of eventually transferring the animals to Tribes and other public entities.

#### Preventive Health Care Initiative

ITBC is committed to providing buffalo meat to Indian Reservation families both as an economic development effort for Native American producers and, more critically, as a healthy food to reintroduce into the diets of Native American populations. Current research indicates that the diet of most Indian Reservation families includes large amounts of high cholesterol, processed meats that contribute to diabetes, obesity, cardiovascular disease and other diet related illnesses.

ITBC member Tribes were just beginning to implement a preventive health care initiative with FY 2006 funding that provided easy access to buffalo meat on Indian Reservations and educated Indian families on the health benefits of range fed buffalo meat. A restoration of the funds in the amount of \$1,000,000.00 will allow the program to operate at the FY 2006 level. This funding will allow ITBC to provide buffalo meat in family sized quantities to Reservation markets and interact with the Federal Food programs to make buffalo meat available in reservation schools and local community health networks to address diabetes and other health issues.

#### V. CONCLUSION

The projects detailed above total \$3 million which when added to the allocation in the President's Budget request will restore ITBC to its FY 2006 funding level of \$4.1 million. ITBC anticipates that funding of all the projects above will create 150 temporary jobs and 50 permanent positions.

I would like to thank this Committee for the opportunity to present testimony and the members of ITBC invite the honorable members of the Committee to visit our Tribal buffalo projects and experience first hand their successes.

Questions and/or comments regarding any of the issues presented within this testimony may be directed to Mr. Ervin Carlson, President, or to Mr. James Stone, Executive Director, at (605) 394-9730.

**Testimony of the Izaak Walton League of America  
Subcommittee on Interior, Environment and Related Agencies**

**Submitted by Scott Kovarovics, Conservation Director**

**March 19, 2010**

The Izaak Walton League of America appreciates the opportunity to submit testimony concerning appropriations for fiscal year (FY) 2011 for various agencies and programs under the jurisdiction of the Subcommittee. The League is a national, nonprofit organization founded in 1922. We have nearly 38,000 members and more than 260 local chapters nationwide. Our members are committed to advancing common sense policies that safeguard wildlife and habitat, support community-based conservation, and address pressing environmental issues. The following pertains to programs administered by the Departments of Agriculture and Interior, Fish and Wildlife Service, and Environmental Protection Agency.

**Departments of Agriculture and Interior, Land and Water Conservation Fund**

The League is very encouraged by the president's proposal to increase funding for the Land and Water Conservation Fund (LWCF) to approximately \$620 million in FY 2011 with the goal of fully funding LWCF at \$900 million by 2014. The League strongly supports full funding and its members reaffirmed this commitment in 2008 by adopting a resolution during our National Convention endorsing this goal. It is important to begin to reinvest in strategic land acquisition to protect critical habitat, provide recreational access, and to buffer against the likely impacts of climate change.

**Fish and Wildlife Service, National Wildlife Refuge System**

The League joins other members of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 wildlife, sporting, conservation, and scientific organizations representing over 14 million members and supporters, in requesting \$578 million in FY 2011 for operations and maintenance of the National Wildlife Refuge System. We urge the Subcommittee to reject the administration's proposal to cut the operations and maintenance budget by more than \$3 million compared to the FY 2010 appropriation.

We greatly appreciate the Subcommittee's leadership in boosting Refuge System funding to approximately \$503 million in the FY 2010. We are concerned that the president's proposal would stall momentum the Subcommittee has created over the past three years. Moreover, if a funding freeze or cuts are continued over multiple fiscal years, this could force the Fish and Wildlife Service to curtail visitor services, eliminate staff, and further delay essential maintenance projects.

It is important to note that the cut proposed by the administration is greater than \$3.3 million because the Department is proposing that agencies absorb fixed costs. The Fish and Wildlife Service estimates that the Refuge System requires at least \$15 million annually to keep pace with inflation, including rising fuel, rental, and utility costs and cost-of-living adjustments for staff.



Therefore, the effective budget cut would exceed \$18 million. The Refuge System has a \$2.7 billion maintenance backlog today, in part, because the Service has been forced to continuously defer essential maintenance when base funding fell short of basic operational needs. The administration's proposal would only exacerbate this problem.

Furthermore, the administration proposes specific cuts within the operations and maintenance budget that we oppose and consider counterproductive. For example, it recommends cutting the visitor services account by nearly \$4 million. Last year, 42 million Americans visited wildlife refuges across the country to hunt and fish, observe wildlife, learn from Service professionals, or simply take a walk in the woods. And these visitors have a direct, positive impact on local economies. The Service estimates that refuge visitors generate \$1.7 billion in sales and support 27,000 private-sector jobs. If visitor services decline due to budget cuts and visitation is negatively impacted, our shared goal of reviving the economy and creating jobs could be undermined.

In addition, the administration proposes to cut the law enforcement budget. We believe this fails to reflect an urgent need across wildlife refuges. The analysis of Refuge System performance issued in 2008 by Management Systems International (MSI) concluded that "[A]t many refuges, law enforcement coverage is insufficient to ensure protection of resources and the safety of visitors and refuge staff." This analysis recommended that the Service double the number of refuge law enforcement staff from 200 to "at least 400 full-time officers." In FY 2010, the System has approximately 210 full-time law enforcement personnel. Moreover, the analysis tied the law enforcement problem directly to funding stating "[I]t is highly unlikely that any meaningful progress towards improving the Refuge System's law enforcement capability (will occur) under current and expected budget allocation levels." Increasing funding for operations – rather than cutting it – will allow the Fish and Wildlife Service to begin to boost law enforcement capability, which is important to protecting visitors, fish, wildlife, and habitat.

#### **Fish and Wildlife Service, State Wildlife Grants**

As a member of the Teaming with Wildlife National Steering Committee, the League urges the Subcommittee to provide \$100 million for the State Wildlife Grants Program in FY 2011.

The State Wildlife Grants Program supports proactive conservation projects aimed at preventing wildlife from becoming endangered. Experience shows that efforts to restore imperiled wildlife can be particularly contentious and costly when action is taken only after species are formally listed as threatened or endangered pursuant to the Endangered Species Act. State Wildlife Grants support state and community-based efforts to safeguard habitat and wildlife before either reaches the tipping point. This program also provides states with an important source of federal funds to address non-game species. Finally, the federal investment leverages significant funding from private, state, and local sources.

#### **Environmental Protection Agency, Clean Water State Revolving Fund**

The League supports the request for \$2 billion for the Clean Water State Revolving Fund (SRF). Nationwide, broken sewer pipes and overflows spill more than one trillion gallons of untreated

sewage into our waterways every year costing more than \$50 billion for cleanup. These overflows pose serious risks to fish, wildlife, and human health. The SRF is a highly successful program that provides the funds needed to reduce sewage contamination and improve water quality. However, the Environmental Protection Agency's Clean Water and Drinking Water Infrastructure Gap Analysis found a \$535 billion gap between current spending and projected needs for drinking water and wastewater infrastructure over the next 20 years. Investing \$2 billion in the Clean Water SRF is essential to improving water quality, protecting public health, and supporting jobs across the country.

#### **Environmental Protection Agency, Great Lakes Restoration**

The League is also very encouraged by the president's on-going commitment to Great Lakes restoration. We support providing at least \$300 million as requested to build on the funding Congress provided in FY 2010 and to support implementation of the recently released Great Lakes Restoration Initiative Action Plan. The Great Lakes provide drinking water to 35 million people and support jobs and recreational opportunities for millions more. However, the health of the Great Lakes is seriously threatened by untreated sewage, toxic pollution, invasive species, and other problems. The eight states that border the Lakes and many non-governmental organizations have invested significant resources to safeguard these national treasures. Significant federal investment is also needed or the problems will only get worse and cost even more to fix. Cleaning up the Great Lakes will provide many benefits, including economic development in the region.

The League urges the Subcommittee to provide at least \$300 million to advance this critical initiative, especially when numerous studies estimate that \$5 billion is required to restore the Great Lakes ecosystem. In addition, we believe it will be important to appropriate \$475 million for Great Lakes restoration in FY 2012 and beyond. In the Action Plan, the administration states its intention to request this amount in the future and the recently introduced Great Lakes Ecosystem Protection Act (HR 4755 / S 3073) authorizes this amount between FY 2011 and 2016.

#### **Environmental Protection Agency, Non-point Source Management Program (Clean Water Act Section 319)**

The League urges the Subcommittee to appropriate at least \$200 million for Section 319, the Non-point Source Management Program, as requested by the president. This program provides grants to states, territories and tribes for non-point source pollution reduction activities. EPA and many states report that non-point source pollution is the leading cause of water quality problems, including harmful effects on drinking water supplies, recreation, fisheries and wildlife. The Non-point Source Management Program provides critical funding for restoration. For example, 172 water bodies in 44 states have been restored with Section 319 funding. Continued investment in this program will help restore our waterways for people and wildlife.

**Environmental Protection Agency, Chesapeake Bay Program**

The League strongly supports the administration's request for \$63 million in FY 2011 for the Chesapeake Bay Program.

The Chesapeake Bay is the largest estuary on the Atlantic coast and one of the largest in the world. EPA's Chesapeake Bay Program Office (CBPO) is the primary facilitator of restoration activities by partners throughout the watershed. Although the Chesapeake Bay Program has made significant progress toward pollution reduction, habitat restoration, fisheries management, and watershed protection goals, much more work is needed to restore the Bay. For example, habitat restoration efforts are collectively less than half way to Program goals and there is concern about the overall quality of habitat that remains.

Although the request is positive, the League believes it is important for the administration and the Subcommittee to prepare to make substantial additional investments in Bay restoration. According to the Chesapeake Bay Commission's report *The Cost of a Clean Bay* (2003), \$19 billion is needed to meet the restoration goals outlined in the *Chesapeake 2000* agreement. Additional investment will be necessary to fulfill new goals being developed following the president's 2009 Chesapeake Bay executive order. The executive order establishes the framework for a comprehensive federal effort, in partnership with states, local governments, and many others, to tackle persistent problems that negatively impact water quality, habitat, recreation, and important sectors of the regional economy. The EPA is completing a total maximum daily load (TMDL) for the Bay that will be a key tool in improving water quality. At the same time, it must be coupled with proactive technical assistance and funding to assist local governments, farmers, and others with compliance. Achieving the president's goals, successfully implementing new pollution reduction measures, and restoring habitat, streams, and wetlands will depend, in part, on significant new investment in future fiscal years.

The League appreciates the opportunity to testify about these important issues.

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**STATEMENT OF KERN COUNTY  
VALLEY FLOOR HABITAT CONSERVATION PLAN  
INDUSTRY AND GOVERNMENT COALITION**

**SUBMITTED TO THE**

**APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR AND RELATED AGENCIES  
UNITED STATE HOUSE OF REPRESENTATIVES**

**BY:**

**TED JAMES - DIRECTOR  
KERN COUNTY RESOURCE MANAGEMENT AGENCY**

**BOB POOLE - MANAGER, SAN JOAQUIN VALLEY,  
WESTERN STATES PETROLEUM ASSOCIATION**

**LES CLARK - EXECUTIVE VICE PRESIDENT  
INDEPENDENT OIL PRODUCERS ASSOCIATION**

**DAN BARTEL, ENGINEER MANAGER  
BUENA VISTA WATER STORAGE DISTRICT**

**March, 2010**

Mr. Chairman and Members of the Subcommittee:

On behalf of the California Industry and Government Coalition for the Kern County Valley Floor Habitat Conservation Plan (KCVFHCP), we are pleased to submit this statement for the record in support of our funding request for the Interior Appropriations Bill for fiscal year 2010.

First, the Coalition supports the President's budget request for the Department of Interior's Cooperative Endangered Species Conservation Fund, especially funding for HCP land acquisition.

Second, the Coalition urges the Subcommittee to appropriate additional funding for land acquisition above the funding requested by the President. The additional funding requested by the Coalition anticipates that \$1 million will be needed by the Kern County program to be used for purposes of acquiring and maintaining habitat preserves.

The Coalition's request is supported by the timely need to implement the KCVFHCP. The County's local oil and gas production industry and Water Districts have contributed over \$550,000 to the development of this program. In 1997, the U.S. Fish and Wildlife Service allocated \$500,000 of federal Endangered Species Act Section 6 funds to assist in program implementation. The California State Government has authorized \$1 million to augment the federal funds. In order to secure the \$3 million total necessary to assist in the implementation of the plan, we will require \$1 million for fiscal year 2011 and \$500,000 for fiscal year 2012.

The Coalition requests that the Subcommittee appropriate the maximum possible amount for this program, so that the funding pool can accommodate our request and need. We are confident that the plan's merits and urgency support this request.

Kern County's program is unique from other regions in the nation in that it contains some of the highest concentrations of plant and animal species protected by the Endangered Species Act (ESA) within the continental United States. The region is occupied by 11 wildlife species and 14 plant species covered as threatened or endangered under the program. The potential for conflict with the federal ESA is great in Kern County because of the extensive oil and gas production activities, water conveyance efforts and the urbanization that is occurring. Since Kern County is the top oil producing county in the nation and experiencing rapid urban growth, potential conflicts with the ESA and their resolution through a proactive conservation program has significant national importance.

In recognition of the conflicts posed to economic growth by federal and state endangered species laws, a joint agency Memorandum of Understanding was entered into by the U.S. Fish and Wildlife Service, Bureau of Land Management, California Energy Commission, California Division of Oil and Gas and Geothermal Resources, California Department of Fish and Game and Kern County. The participating agencies agreed to develop a unified conservation strategy with the goal of providing a streamlined and consistent process of complying with State and

federal endangered species laws, yet at the same time allow important industry activities such as oil and gas, water conveyance and other industry activities to continue.

Preparation of the KCVFHCP began in 1989 and involved a number of federal, State and local government agencies, as well as the oil and gas industry, agricultural interests, utilities and environmental groups.

Kern County's Valley Floor Habitat Conservation Plan is one of the largest and most diverse endangered species conservation programs under development in the nation encompassing over 3,110 square miles. The program represents a departure from traditional endangered species conservation programs which utilize prohibitory controls to assure conservation of species habitat. Instead, it is based on an **incentive-based system of selling or trading habitat credits in an open market**. This innovative approach, for the first time, provides landowners with real incentives and more importantly, the ability to choose how best to manage their own private property. The KCVFHCP is in the final stages of preparation. The HCP document is completed. An environmental impact statement is being prepared for public review in the near future. Final approval will occur in 2011.

Numerous agencies, in concert with the State of California and local government entities, as well as the private oil and gas industry have contributed funding, time and other resources toward developing the KCVFHCP. The KCVFHCP program will be completed in 2011, provided there is the necessary federal funding for the acquisition of habitat to mitigate for oil and gas operations and development. Additional funding is critical to completing the HCP. This is one of the final steps necessary to implement the conservation strategy. Because of the extensive private, local and state government financial support that went into the development of this program, federal participation in program implementation will demonstrate that the burden of ESA compliance is not being placed exclusively on private property owners. Program funding will also contribute to eventual species recovery.

#### **PROGRAM FUNDING NEEDS**

In order for the KCVFHCP to be implemented, the program requires funding in the amount of \$1.5 million (augments the \$1.5 million in state and federal funding received in 1997) that could be funded in increments over the first two years of the program. The purpose of this funding is described as follows:

#### **Oil Development Issue:**

A mitigation strategy has been devised that is intended to acknowledge existing oil field activities within Kern County. The strategy proposes to acquire 3,000 acres of endangered species habitat to mitigate for species loss resulting from oil field development outside of established oil field production areas, but within proximity of those areas. This is to allow for reasonable expansion of oil field activities over the life of the HCP program. The program strategy allocates \$3.0 million for acquisition and perpetual maintenance of species reserve areas. With this type of strategy, oil field expansion activities would be provided for in the program.

This strategy would be of great benefit to the small independent oil and gas companies within the program area.

**Urban Development/County Infrastructure Issue:**

The conservation program includes an Urban Development/County Infrastructure mitigation strategy that mitigates for species habitat loss through the use of an incentive-based system of selling or trading habitat credits in an open market. This innovative program will add market value to land that is needed by project proponents to comply with endangered species laws which will encourage the owners of such properties to offer lands for the benefit of species conservation. Protected species of plants and animals will benefit from a program that promotes private property owners to conserve permanent habitat preserves consistent with the objectives of the ESA.

**Water District Activity Issue**

A Water District Strategy is included in the program to address Covered Species protection due to the construction of new facilities and the operation and maintenance of existing water management and conveyance facilities. The Covered Species will benefit from reduced and less intrusive operation and maintenance measures than have been conducted historically due to concerns for conflicts with endangered species laws.

**Federal Funding Support will Augment Local Government and Private Industry Efforts to Comply with the Endangered Species Act**

The \$1.5 million required for the oil field strategy would help contribute to satisfying the program's endangered species conservation goals, while also providing for continued economic growth of Kern County's oil and urban development activities. Protected species would benefit from a comprehensive long-term program that promotes the creation of permanent habitat preserves.

Numerous private businesses, in concert with the State of California and local government entities, are attempting to do their part, and we come to the appropriations process to request assistance in obtaining a fair federal share of financial support for this important effort. This unique cooperative partnership involving state and local government, as well as private industry, has contributed substantial funds to date, to assist in the development of this program.

The California Industry and Government Coalition appreciates the Subcommittee's consideration of this request for a fiscal year 2011 appropriation to support implementation of this significant program.

**TESTIMONY SUBMITTED BY MADDY POPE ON BEHALF OF  
THE LAND AND WATER CONSERVATION FUND COALITION  
TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING  
FISCAL YEAR 2011 APPROPRIATIONS FOR THE LAND AND WATER  
CONSERVATION FUND AND THE FOREST LEGACY PROGRAM**

March 16, 2010

This testimony is submitted on behalf of the following partner groups joined by hundreds of state and local partners including land trusts, recreation organizations, state agencies and foundations, trails, rivers and watershed groups working together as the Land and Water Conservation Fund (LWCF) Coalition to promote full funding for the Land and Water Conservation Fund, federal and stateside, and the Forest Legacy Program.

**The Access Fund ♦ American Canoe Association ♦ American Hiking Society ♦  
American Land Conservancy ♦ American Rivers ♦ American Whitewater ♦  
Appalachian Mountain Club ♦ Appalachian Trail Conservancy ♦ California State  
Parks Foundation ♦ Choose Outdoors ♦ City Parks Alliance ♦ Civil War  
Preservation Trust ♦ The Conservation Fund ♦ Conservation Trust for North  
Carolina ♦ Eastern Forest Partnership ♦ Friends of Rachel Carson National Wildlife  
Refuge ♦ Highlands Coalition ♦ International Mountain Bicycling Association ♦  
Land Trust Alliance ♦ Land Trust for the Little Tennessee ♦ National Association of  
State Outdoor Recreation Liaison Officers ♦ National Association of State Park  
Directors ♦ National Audubon Society ♦ National Park Trust ♦ National Parks  
Conservation Association ♦ National Recreation and Park Association ♦ National  
Wildlife Federation ♦ National Wildlife Refuge Association ♦ The Nature  
Conservancy ♦ New Mexico Wildlife Federation ♦ New York State Office of Parks,  
Recreation and Historic Preservation ♦ North Country Trail Association ♦ Northern  
Forest Alliance ♦ Northern Sierra Partnership ♦ Outdoor Alliance ♦ Outdoor  
Industry Association ♦ Outdoors America ♦ Pacific Crest Trail Association ♦ The  
Pacific Forest Trust ♦ Pacolet Area Conservancy ♦ Partnership for the National  
Trails System ♦ Sierra Business Council ♦ Sierra Club ♦ Society for the Protection  
of New Hampshire Forests ♦ Southern Appalachian Forest Coalition ♦ Southern  
Appalachian Highlands Conservancy ♦ Trout Unlimited ♦ The Trust for Public  
Land ♦ Western Rivers Conservancy ♦ The Wilderness Society ♦ Wildlife Forever ♦  
Winter Wildlands Alliance ♦ World Wildlife Fund**

Chairman Moran and Ranking Member Simpson and other members of the Subcommittee, thank you for the opportunity to submit testimony. We begin this statement by applauding the Subcommittee for the increases in the Land and Water Conservation Fund (LWCF) and Forest Legacy Program (FLP) funding contained in the Fiscal Year 2010 Interior Appropriations bill, reversing almost a decade in dramatic program declines. We are equally delighted by increases for these programs proposed in



the President's FY 2011 budget request -- a great step towards the Administration's stated goal of fully funding the LWCF by the year 2014. We urge the Subcommittee to set the course towards this goal by including substantial funding increases in the FY 2011 Interior appropriations bill for these two important programs. **We recommend increasing the funding of federal LWCF to \$425 million, stateside LWCF to \$175 million, and the allocation of \$150 million for the Forest Legacy Program.**

Over the LWCF program's forty-four year history only once has it been fully funded at the congressionally authorized level of \$900 million annually. Today, we face an extensive and growing backlog of land acquisition needs in our national parks, national wildlife refuges, national forests, National Landscape Conservation System and other Bureau of Land Management units, wild and scenic rivers, and national trails. Critical natural, historical and recreational properties are being lost to inappropriate development that compromises management objectives and undermines resource protection across our federal lands. Willing-seller landowners with conservation intent, wishing to see their property protected, wait years with no measurable prospect for federal acquisition of their property. America's irreplaceable wildlands, woodlands, farmlands, fish and wildlife habitats, scenic areas, historic sites, trails and neighborhood parks are being developed, fragmented, and otherwise sacrificed because there is simply not enough LWCF money to go around.

The state grants component of the LWCF is in equal distress from insufficient funding. This program supports the protection of recreation lands and the development of parks at the state and local level to provide accessible, close-to-home recreation. These matching grants enable communities, counties, and states to acquire land and to build or improve recreational facilities. Despite low funding levels, the program has distributed funds to almost every county in the country for over 41,000 projects including creating parks, playgrounds, recreation facilities, trails, and preserving forests and wildlife habitat. Across the nation over 6,600 state parks and countless local parks depend on this federal partnership to help meet land acquisition and park infrastructure needs. Forty-four states recently reported that less than five percent of park funding needs are currently being met. The federal partnership is largely missing from the funding equation and the social and economic benefits of these parks cannot be overstated. With soaring child obesity rates, spending time with children out-of-doors can inspire a lifetime of healthy exercise and outdoor activity, preventing disease and saving millions in health care costs. Today, we better understand that outdoor play also contributes to a child's development on many levels including their capacity to be creative and problem solve, as well as their emotional and intellectual development.

The LWCF is a vital funding mechanism creating significant environmental, economic and cultural benefits. Lands protected through the program include wilderness access points, river corridors popular with paddlers and anglers, endangered species habitat, beaches and coastal areas, campgrounds, historic battlefields, and pristine mountain forests. Eighty percent of the lands acquired with LWCF funds lie within the existing boundaries of federal parks, refuges, forests, or recreation areas. Within our

national parks alone, 1.9 million acres of inholdings identified for protection remain to be acquired and may be developed if they are not conserved.

In 1990, Congress created another important tool to help protect forests. The Forest Legacy Program (FLP), administered by the U.S.D.A. Forest Service (USFS), helps to preserve working forestlands threatened by conversion and development. This program leverages federal funds with state and private monies to permanently protect forested properties by direct fee title purchase or through conservation easements. FLP enables landowners and communities to retain ownership of forestland and to continue to earn income from these resources through sustainable timber harvesting. This program also conserves open space, wildlife habitat, and clean water, and ensures continued opportunities for public recreation.

To date, the Forest Legacy Program has protected almost 2 million acres in 42 states and Puerto Rico. Over the history of this highly successful program, a total of \$456 million of federal funds have been matched by over \$1 billion in non-federal funds and donations, making the federal share less than 50 percent of overall project costs. FLP program funding of \$76 million in FY 2010 reversed a funding decline of the previous seven years. For FY 2011, the USFS received 64 project proposals from 41 states and territories to protect 361,604 acres with a total project value of over \$437 million. We applaud the President's budget recommendation to provide a significant increase for the FLP program. However, additional funding is needed to meet pressing project needs and provide adequate project funding levels. To respond to this significant demand, we urge the subcommittee to support a funding level of \$150 million in FY 2011.

In the face of the current economic downturn, we cannot underestimate the power public lands can have in turning the tide. Tourism dollars and visitation to our parks and public lands can serve as an economic engine for local and regional economies. For example, the National Association of State Park Directors reports that America's state park system contributes \$20 billion to local and state economies. Each year millions of Americans visit our public lands to enjoy hiking, wildlife watching, hunting, fishing, climbing, camping, mountain bicycling, horseback riding, photography, paddling and boating, cross-country and backcountry skiing, snowmobiling, and outdoor education and interpretation. The Outdoor Industry Association reports that active outdoor recreation contributes \$730 billion annually to the U.S. economy, supporting 6.5 million jobs across the country. Investment by the Congress in the LWCF will yield greater public dividends now, than perhaps in any time in recent history. With property values significantly down from just a year ago, timely acquisition funding will make a real difference in addressing the backlog of federal agencies' land acquisition needs. In this market, public agencies can better compete with private buyers and developers, and can stretch LWCF dollars even further. In addition, LWCF and FLP funding can help landowners achieve their economic objectives through the sale of their land.

A 2006 economic assessment of the National Park System produced by the National Parks Conservation Association determined that national park visitors spend over \$13 billion annually in communities surrounding parks supporting 267,000 jobs.

Similarly, a recent Fish and Wildlife Service report, *Banking on Nature*, revealed that the 40 million annual visitors to national wildlife refuges generate more than \$1.7 billion in annual sales to local economies, resulting in the creation of 27,000 jobs.

The LWCF and Forest Legacy Programs are needed now more than ever to protect watershed, wildlife and support local economies. Fighting wildfires along the wildland-urban interface is costing the American taxpayer billions of dollars annually. Using the LWCF for strategic land purchases in and adjacent to public lands to prevent private development in the most fire prone areas will allow agencies to implement better fire prevention management in these critical zones. Furthermore, the Forest Legacy Program provides states and private landowners with a tool to maintain key areas as working forests and to prevent inappropriate development.

Drinking water quality and quantity greatly depend on the protection of forestlands, grasslands, and wetlands ranging from high elevation watersheds to coastlines. These acres filter pollutants, prevent erosion along rivers, and decrease the costs and damage from floods and storms. Headwaters, river corridors, lakeshores, and estuaries also provide critical natural habitat and migratory corridors for fish and wildlife. The American public deeply values the protection of water resources. A 2008 summary of local and statewide polls conducted nationwide ranked clean water as the top conservation concern for 88 percent of the people polled. Protection of land and water through LWCF purchases in and around our national forests, parks, refuges and other conservation areas helps maintain the long-term integrity of our nation's water quality and water supplies. Maintaining working forests with Forest Legacy dollars provides a critical tool to protect valuable community watersheds.

Today, our federal, state and private conservation lands and waterways provide a critical opportunity to address the unprecedented challenges that climate change poses to our forests, fish and wildlife, and riparian resources. The strategic protection of key inholdings, buffer areas, and wildlife migration corridors within and adjacent to existing public lands enhances adaptation efforts and fosters intact landscapes. These natural areas also store carbon, buffer flooding, conserve water, and support healthy fisheries and wildlife populations. Hand-in-hand with mitigating the deleterious impacts of our environment from burning fossil fuels is the need to respond to climate change with a foresighted investment in land protection and natural resource adaptation across the federal public lands.

In closing, we thank the Subcommittee for your continuing leadership on federal land conservation and meeting the environmental and recreation needs of citizens at the state and community levels through programs such as LWCF. The LWCF Coalition stands ready to work with you to secure full and consistent funding for the LWCF and FLP.

Thank you.

Testimony submitted on behalf of the LWCF Coalition by Maddy Pope, Director of National Outreach, The Trust for Public Land [maddy.pope@tpl.org](mailto:maddy.pope@tpl.org)

# League of American Orchestras

## **Testimony in Support of FY2011 Funding for the National Endowment for the Arts Submitted to the House Interior, Environment, and Related Agencies Appropriations Subcommittee**

**Jesse Rosen  
President and CEO  
League of American Orchestras  
March 19, 2010**

The League of American Orchestras urges the subcommittee to approve Fiscal Year 2011 funding for the National Endowment for the Arts (NEA) at a level of \$180 million. After suffering a 40 percent budget cut in the mid-90s, funding has been gradually climbing for the agency, but still falls short of its 1992 appropriations level. We urge Congress to continue supporting the important work of this agency and to increase its capacity to improve public access to the arts, nurture cultural diversity, foster new artistic works, and support jobs in communities nationwide.

Founded in 1942, the League of American Orchestras is the national service organization for symphony, chamber, youth, and collegiate orchestras. The League strives to stimulate the exchange of ideas and practices, promote innovation, and foster unity across the orchestra field. We estimate that there are approximately 1,800 orchestras in the United States, with annual budgets ranging from less than \$12,000 to more than \$88 million. Orchestras exist in all 50 states, in virtually every community, and are supported by a network of citizens including instrumentalists, conductors, managers, board members, volunteers, staff members, and business partners.

The experience of live orchestral music is an important part of a community's fabric, and the presence of orchestras is often an indicator of a community's economic and cultural strength. In addition to fueling local economies, attracting new business development, and educating young people, the power of music also unites individuals and cultures in good times and bad. Furthermore, amidst today's economic turmoil, the need for understanding the changing context around us and effectively adapting is greater than ever. The League is committed to help orchestras in this work by bringing new knowledge and perspectives concerning the shifting priorities in our communities to our members. Likewise, the NEA plays an incredibly valuable leadership role through its direct grants to organizations, national research, and strategic initiatives.

More than 40 years of support from the NEA has increased the capacity of orchestras to serve and strengthen communities across our country. Federal arts support has an exponential impact: because the competition for federal dollars is extremely intense, the awarding of an NEA grant greatly enhances and strengthens an orchestra's application for funding from other sources. Furthermore, an NEA grant serves as an emblem of public value and national artistic significance, and communities large and small partake in the distinction of presenting nationally recognized NEA-supported programs.

NEA grants support music education for children and adults, preserve great classical works, foster the creative endeavors of contemporary classical musicians, composers, and conductors, and expand public access to performances. In Fiscal Year 2009, the NEA's Grants to Organizations included 119 grants to orchestras, and an increase in funding will expand the NEA's ability to serve the American public through grants supporting and promoting the creation, preservation, and presentation of the arts in America through the NEA's core programs – Access to Artistic Excellence, Challenge America: Reaching Every Community, Learning in the Arts for Children and Youth, and Federal/State partnerships.

The NEA also provides leadership supporting the value of the arts through national research and initiatives such as *Our Town*, which was proposed in the President's FY11 budget. This initiative will seek to improve the cultural health of communities in order to improve their livability, which in turn restores and enhances the civic pride of their citizens. Investing in the arts by supporting innovative approaches to maximize the economic growth potential of the creative sector has a demonstrated impact in helping to reverse economic decline. Orchestras look forward to participating in this new effort, as well as continuing to learn from the NEA's ongoing national research projects that illuminate trends in public participation, workforce development, and other key areas of the American arts infrastructure.

#### **NEA Funding Leads to Increased Public Access to the Arts**

The NEA, together with the arts organizations that receive federal support, is committed to improving public access to the arts. NEA grants reach every Congressional district in the country. Grants awarded to orchestras through the Access to Artistic Excellence program support educational activities, concerts, festivals, professional development, and residencies in communities across the country.

The Challenge America: Reaching Every Community Fast-Track Review Grants offer support to small and mid-sized organizations for projects that extend the reach of the arts to underserved populations. The **Richmond Philharmonic** received a Challenge America grant in FY09 to help produce the "Discover the Orchestra" program, which brought the music of cellist Andre Gaskins to approximately 1,000 children and adults in a two-day event in inner-city Richmond. Also reaching an underserved community is

the **Great Falls Symphony**, which will present a performance of opera arias, choral workshops for high school students, and an open dress rehearsal for area choral and orchestra students, as well as for residents of homes for the developmentally disabled. The **South Dakota Symphony's** Lakota Music Project received an FY10 Challenge America grant to enable guest artists from Sioux tribes to perform with the orchestra in Sioux Falls, Rapid City, and on several American Indian reservations. Because of this federal funding, the orchestra was able to accept an invitation to present this moving musical event to more than 750 people at the South Dakota Governor's Tourism Banquet, which then led to an invitation for the orchestra to present the program in 2011 on Native American Day at the Crazy Horse Monument. With federal support, orchestra grantees are extending the reach of their activities beyond their home cities and towns, bringing unique musical experiences to communities in surrounding regions.

#### **NEA-Funded Arts Programs Nurture Cultural Diversity**

Americans enjoy a rich and diverse cultural heritage in the arts, and NEA grants to orchestras allow for creative expression to overcome cultural divides in order to help improve our ability to understand and honor our history. Orchestra programming increasingly reflects the cultural diversity that distinguishes our country, such as a project of the **Northwest Symphony Orchestra** called "East Meets West - Music of the Pacific Rim and Northwest Student Composers." In partnership with the Highline School District, the orchestra will use a Challenge America grant to feature composer Glenn Crytzer and timpanist Michael Crusoe, offering concerts, master classes, composition workshops, and lectures. The **San Francisco Chamber Orchestra** will explore South American cultural influences and the intersection of traditional folk and classical music in performances of a new violin concerto titled *Hailli Lirico*. Orchestra musicians will partner with Andean folk specialists for the series, introducing classical music and its cultural parallels to South American traditional music to Latino audiences in San Francisco's Mission District, Berkeley, and Vallejo. NEA grants are a vital part of the support system that enables orchestras to showcase our society's rich array of cultures and provide a vehicle to engage and connect with diverse audiences across our country.

#### **NEA Funding Encourages New Works and Programming**

NEA grants to orchestras help support the creative capacity of America's musicians and composers. By identifying and supporting projects that connect the arts – and artists – to their broader communities, the NEA encourages creative collaboration and building artistic strength. Projects supported by the NEA must demonstrate artistic excellence and a strong capacity to reach new audiences. Orchestras such as the Pacific Symphony, the Berkeley Symphony Orchestra, and the Cleveland Orchestra utilize NEA assistance to support performances of works by contemporary composers. The **Pacific Symphony** will support American composers in its festival, "The Greatest Generation." In addition to featuring music composed during, and in response to, the Great Depression and World War II, the festival will premiere a commissioned work on

this theme by American composer Michael Daugherty. The **Berkeley Symphony Orchestra**, meanwhile, will support residencies by California composers, such as Gabriela Lena Frank, who will serve as the season-long composer-in-residence, create a new work for the orchestra, take part in school programs, and mentor emerging Bay Area composers selected for residencies in the Under Construction concert series. The **Cleveland Orchestra** will direct its NEA grant to support the Contemporary Masterworks project, featuring emerging international composers from France, Austria, Britain, Germany, and also Cleveland native Susan Botti. NEA grants will enable each of these orchestras to encourage innovation and ensure that contemporary music continues to flourish within our cultural landscape.

#### **NEA Grants Support Jobs in Communities Nationwide**

The American Recovery and Reinvestment Act (ARRA) of 2009 allocated federal funding to support economic recovery in communities nationwide, including \$50 million to the NEA to provide direct grants and block grants to state and regional arts councils to fund arts projects and activities vital to communities nationwide. The NEA was one of the first federal agencies to disseminate stimulus funding in support of local economies and on July 7, 2009, it announced 631 awards of nearly \$30 million in ARRA funding to arts organizations, including 64 direct grants to orchestras. Orchestra grantees across the United States helped stabilize local economies by putting federal funds to use to preserve full and part-time administrative and artistic positions that were in jeopardy of being eliminated due to the struggling economy.

A \$50,000 NEA stimulus grant enabled the **Louisville Orchestra** to reinstate full time employment for its 71 core musicians for the entire month of July in its "Summer Classics" series. The concerts, many of which were free to the public, took place in four cities throughout Kentucky and Southern Indiana – including the rural communities of Glasgow and Elizabethtown, Kentucky – and the orchestra anticipated reaching an audience of approximately 7,000 people through this program. The **Wheeling Symphony** used its \$50,000 NEA stimulus grant to help restore the loss of income suffered by its principal musicians due to forced reductions in season programming. The grant funded the "Music In the Neighborhoods" chamber series, which presented 40 free ensemble performances in schools, libraries and other public locations. Not only did the NEA grant help the orchestra through the economic downturn, but it also provided a means for the orchestra to seek additional funding sources, and as a result, it will be able to maintain the series into FY11.

Thank you for this opportunity to illustrate the value of NEA support for orchestras and communities across the nation. The Endowment's unique ability to provide a national forum to promote excellence, both through high standards for artistic products and the highest expectation of accessibility, remains one of the strongest arguments for a federal role in support of the arts. We urge you to support creativity and access to the arts by approving \$180 million in funding for the National Endowment for the Arts.

**Testimony of Mark Ludlow, Owner, Ludlow's Island Resort  
In Support of Land and Water Conservation Fund funding  
At Superior and Chippewa National Forests, Minnesota  
U.S. Forest Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of acquiring land along in the Superior and Chippewa national forests as part of the Minnesota Wilderness program. An appropriation of \$3.1 million is needed in FY 2011 from the Land and Water Conservation Fund in order for the Forest Service to acquire an assemblage of forestlands totaling 220 acres. I am thankful that Minnesota's national forests were recognized in the President's Budget, which reserved \$1.4 million for the Minnesota Wilderness program. However, in order to protect all four tracts in FY 2011, an appropriation of \$3.1 million is needed.

The Minnesota Wilderness land acquisition program includes the Superior and Chippewa national forests in Minnesota and is focused on protecting public access to lakes and streams as well as ensuring critical habitat protection for fish and wildlife. These forests offer Minnesotans and other visitors abundant opportunities for outdoor recreation and are an integral part of the Northwoods economy.

Located in the northeasternmost tip of Minnesota, the Superior National Forest spans 150 miles along the US-Canadian border and is one of the wettest, wildest forests in the entire national forest system. The deep pine woods of the Superior play host to a landscape of lakes, bogs, and rocky outcrops that are remnants of the glacial period and create the only thriving boreal or northern forest in the continental United States. Over ten percent of the forest consists of surface water, and another 1,300 miles of cold-water streams and 950 miles of warm-water streams flow within the forest's boundaries. Visitors to the Superior NF are attracted by its abundance of outdoor recreational opportunities. For wilderness devotees, there are few areas in the United States that can rival the solitude and timelessness of the Boundary Waters Canoe Area Wilderness (BWCAW), a maze of lakes, rivers, and rocks at the northern edge of the Superior, offering 12,000 miles of canoe trails. Here and elsewhere in the forest, outdoor enthusiasts can enjoy camping, biking, canoeing, fishing, hiking, cross-country skiing, snowmobiling, and dog sledding. The deep foliage and plentiful water also attract a wide variety of wildlife, including bald eagle, common loon, moose, timber wolf, black bear, lynx, and migratory birds. The BWCAW draws over 200,000 campers and canoeists annually, following in the wake of Native Americans and the voyageurs - those French-Canadian fur traders who canoed these waters 200 years ago.



The Chippewa National Forest is located in the heart of northern Minnesota, combining elements of western prairies and northern boreal forests. Within the forest, elements of these two ecosystems are found side by side: red oak next to white pine, wild ginger alongside wild rice, and Canada lynx habitat abutting sandhill crane territory. The Chippewa NF shares borders with the Leech Lake Band of Ojibwe. Over 400,000 acres of the Chippewa NF are actually lakes and wetlands. The Chippewa contains two of Minnesota's five largest lakes, and eight different types of wetlands each with distinct plant and animal life. Sixty-seven of the 314 wildlife species that make their home on the Chippewa NF are dependent on lakes and wetlands. Over 230 species use wetlands and only 20% of Minnesota's original wetland remain today. The first national forest west of the Mississippi River, the Chippewa NF is one of the few areas with wetlands essentially unchanged since settlement. This area is unique in that it contains some forty wild rice producing lakes.

Through the Forest Service's Minnesota Wilderness acquisition program, four properties are available for acquisition in FY 2011 in the Superior and Chippewa NFs.

#### Wolf Island Phase II

The 60-acre Wolf Island property in the Superior NF is located in Lake Vermilion and is a high priority for protection this year by the U.S. Forest Service. Twenty-four miles long, Lake Vermilion is one of Minnesota's largest vacation destination lakes. It is home to healthy populations of walleye, northern pike, muskie, bass, and bluegill, and was once named by National Geographic as one of the nation's ten most scenic lakes. Wolf Island's location affords scenic views of the beloved lake as well as the national forest. Its 60 acres are mostly high rolling land that is densely forested with mature aspen, pine, and maple. Its rich history is well documented by John Jaeger, a prominent Minneapolis architect who homesteaded the island after first visiting in 1906. Jaeger's drawings identified cultural resources, including burial mounds and a canoe-building workshop plaza.

Wolf Island is at risk of being lost to development. In order to ensure the protection of the island and access to quality resources in areas of second-home development pressure, The Trust for Public Land stepped in at the request of the Forest Service to secure the island in March 2007, and \$900,000 from the Land and Water Conservation Fund was appropriated in FY 2010 to protect half the island. The acquisition of the entire island by the Superior National Forest will bring into public ownership an outstanding scenic resource and access for paddlers, boaters, and other recreational users who follow in the footprints of both Native Americans and voyageurs of years gone by.

#### Stony Point

The 40-acre Stony Point property is located on a prominent point on the shores of Leech Lake in the Chippewa NF. Home to thousands of acres of waterfowl and other wildlife habitat, Leech Lake has one of the largest nesting populations of bald eagles in the lower 48 states—almost 200 pairs. The Stony Point bald eagle nesting site contains a

half-mile of Leech Lake frontage. The pristine parcel is completely surrounded by national forest ownership and likely contains Native American artifacts. Acquisition by the Chippewa NF would eliminate the need for road access that would otherwise impact over a half-mile of undisturbed wetlands. The property was purchased by a developer who intended to develop it into several homesites, thus depriving forest visitors of significant scenic and recreational values.

#### Kremer Lake/ Spider Lake

Located on the eastern boundary of the Chippewa NF, the 120-acre Kremer Lake and Spider Lake properties offer substantial lakeshore protection along the Edge of the Wilderness National Scenic Byway (Rte. 38) near Grand Rapids in Itasca County. The Kremer Lake parcel is located along the north shore of this more than 80-ft deep small lake, which lies along the west side of the byway. The property has more than 3,000 feet of riparian shoreline and is adjacent to the Suomi Hills Semi-Primitive Recreation Area. The Spider Lake property is located along the west side of larger Spider Lake, which is mostly in Forest Service ownership. The tract contains more than 5,000 feet of shoreline and many acres of associated riparian and wetland habitat. Both properties, which are under a single ownership, are located within the Upper Mississippi River watershed. They contain wildlife habitat for the endangered gray wolf and the Canadian lynx, as well as for the sensitive bald eagle. Both tracts also offer substantial recreational opportunities, such as fishing, hiking and cross country skiing, and their acquisition would improve public access to the lakes for these purposes.

Demand for summer recreational residences and hunting cabins is present in the area near Grand Rapids, and portions of the Kremer Lake and Spider Lake properties could be developed for this purpose. The acquisition of both tracts would eliminate any development threat and ensure permanent protection of critical water resources.

Public acquisition of the remainder of Wolf Island and the entirety of the Stony Point, Kremer Lake, and Spider Lake properties will ensure that the attributes of the Northwoods region so treasured by its many visitors -- the solitary sound of the common loon, the serenity of an evening paddle, the call of the wild -- will be protected in perpetuity. An appropriation of \$3.1 million from the Land and Water Conservation Fund in FY 2011 will secure these properties and provide greater access for current and future generations of visitors to both secluded lakes and popular lakes within the forests that are such critical natural resources for the public.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee

faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

My resort, located on Lake Vermilion relies on visitors to the great Northwoods of Minnesota. Protection of key places, such as Wolf Island, Stony Point, Kremer Lake/Spider Lake are critical to insure that future generations can continue to enjoy these valued resources as well as contribute to the tourism economy in the area.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Minnesota, and I appreciate your consideration of this funding request.

Sincerely,

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## Marine Conservation Biology Institute

William Chandler, Vice President

March 19, 2010

The Honorable James Moran, Chair  
 Appropriations Subcommittee on Interior, Environment, and Related Agencies  
 Committee on Appropriations  
 United States House of Representatives, RHOB B-308  
 Washington, DC 20515

Mr. Chairman and Members of the Subcommittee:

Marine Conservation Biology Institute (MCBI), based in Bellevue, Washington, is a national, nonprofit environmental organization whose mission is to advance the science of marine conservation biology and protect ocean ecosystems. MCBI supports the National Wildlife Refuge System (NWRS) for the habitats it protects, particularly those monuments and refuges that conserve marine environments. A comprehensive analysis compiled by the Cooperative Alliance for Refuge Enhancement (CARE), for which MCBI is a member, shows that the Refuge System needs at least \$900 million in annual operations and maintenance funding to properly administer its 150 million acres, educational nature programs, habitat restoration projects, and much more. I wish to thank the members of the Subcommittee on Interior, Environment, and Related Agencies for the opportunity to submit written testimony recommending \$19,400,000 in FY 2011, a step towards the \$900 million goal, for the Fish and Wildlife Service, National Wildlife Refuge System's management of the nation's Pacific marine monuments.

The US Fish and Wildlife Service (FWS) oversees 551 refuges and 4 marine national monuments. Established in 2006, Papahānaumokuākea Marine National Monument is one of the largest marine conservation areas in the world, encompassing 139,797 square miles. In 2009, President Bush designated three additional monuments: Marianas Trench Marine National Monument, Pacific Remote Islands Marine National Monument, and Rose Atoll Marine National Monument. The newest monuments cover approximately 192,000 square miles and include 8 distinct coral island areas and their surrounding waters; the Mariana Trench; and 21 undersea volcanoes. Many of the islands protected in the monuments were already part of the National Wildlife Refuge System; however, the 2009 proclamations also created several new refuges. Collectively, the monuments added nearly 216,000 square miles to the NWRS. These four monuments include 12 marine refuges and more than 20 islands, atolls and reefs spread across the vast Pacific Ocean. The President gave the Department of the Interior management responsibility over all three new monuments, although the Department of Commerce maintains primarily responsibility for managing fishing in the outer waters. In sum, FWS responsibilities in the Pacific Islands have increased substantially.

### **Papahānaumokuākea Marine National Monument**

Papahānaumokuākea Marine National Monument is managed collectively by the Department of the Interior, US Fish and Wildlife Service; the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA); and the State of Hawaii, Department of Land and Natural Resources. The monument is home to millions of seabirds, an incredible diversity of coral species including deep-sea corals, and the highly endangered Hawaiian monk seal. Approximately 90% of Hawaii's green sea turtles nest in the monument, as do about 99% of the

world's population of Laysan albatross and 98% of the black-footed albatross. These islands within the monument are also important to Native Hawaiians for culture, history, and religion.

#### **Pacific Remote Islands Marine National Monument**

This monument contains some of the last remaining, relatively intact coral reef and pelagic ecosystems in the Pacific Ocean. Any one of the seven coral islands contains nearly four times as many shallow water, reef-building coral species as the entire Florida Keys. The monument provides habitat for an estimated 14 million seabirds and many threatened or endangered species such as leatherback, loggerhead, and green sea turtles; humphead wrasse; bumphead parrotfish; and the globally depleted giant clam. An estimated 200 seamounts, most of which have yet to be identified or explored, are predicted to exist in the pelagic zone within 200 nm of these seven islands. Seamounts are important biodiversity hotspots because they provide habitat and localized nutrients in the vast pelagic waters of the Pacific.

The emergent lands, reefs and surrounding waters out to 12 nm of Howland, Baker, and Jarvis Islands, Palmyra Atoll and Kingman Reef are part of the National Wildlife Refuge System. The land areas of Johnston and Wake Atolls remain under Department of Defense authority, while the waters of these two areas out to 12 nm are part of the National Wildlife Refuge System.

#### **Rose Atoll Marine National Monument**

Rose Atoll, the smallest atoll in the world, is home to a very diverse assemblage of terrestrial and marine species, many of which are threatened or endangered. Rose Atoll supports 97% of the seabird population of American Samoa, including 12 federally protected migratory seabirds and 5 species of federally protected shorebirds. Rose Atoll is the largest nesting ground in the Samoan Islands for threatened green sea turtles and is an important nesting ground for the endangered hawksbill turtle. Rose Atoll also provides sanctuary for the giant clam, whose population is severely depleted throughout the Pacific Ocean.

#### **Marianas Trench Marine National Monument**

The Marianas Trench Marine National Monument consists of three units: the Volcanic Unit, the submerged lands within 1 nm of 21 undersea volcanic sites; the Islands Unit, the submerged lands and waters of the three northernmost Mariana Islands; and the Trench Unit, the submerged lands within the trench and which extends from the northern limit of the Exclusive Economic Zone (EEZ) of the United States in the Commonwealth of the Northern Mariana Islands to the southern limit of the EEZ of the United States in Guam.

The establishment of this monument protects areas of biological, historical and scientific significance. The Volcanic Unit supports unusual life forms found in its boiling and highly acid waters. The Islands Unit is home to highly diverse and unique coral reef systems, with more than 300 species of stony coral. The Islands Unit also has an astonishingly high population of apex predators, including large numbers of sharks. The Mariana Trench itself is the deepest ocean area on Earth, deeper than Mount Everest is tall.

### **Marine National Monument Management Implementation**

It is imperative that FWS establish appropriate management measures to adequately protect the land, waters and seafloor of all four of these relatively pristine marine monuments. In particular, the FWS must have adequate funds to develop management plans for each monument, hire adequate management personnel, provide transportation to visit the islands on a regular basis, develop plans to restore damaged reefs and lands, and consult with NOAA and the Coast Guard to provide proper surveillance and enforcement actions for all the monuments.

Restoration actions are needed at most of the islands, including restoring natural habitats, removing discarded equipment and structures from past military occupations, and dealing with old waste disposal sites. Additionally, human exploration and occupation has introduced many invasive species to the islands, including various rodents, insects, and plants, which should be removed for the survival of the native species.

For example, two fishing vessels that grounded and sank in the Pacific Remote Islands Marine National Monument have yet to be removed. In 1991, a 121-foot Taiwanese fishing boat sank on Palmyra Atoll; in 2007 an abandoned 85-foot fishing vessel was discovered on Kingman Reef. These two islands are home to coral reefs that are some of the most pristine in the world. The Palmyra wreck sits directly on the reef and continues to damage the ecosystem by leaching iron into the water which has accelerated the rapid growth of a nuisance corallimorph, *Rhodactis howesii*. According to the report by Thierry Work (US Geological Service) and Greta Aeby (University of Hawaii), greater than 100 million corallimorph individuals cover more than 1 square kilometer (247 acres) of the bottom. The corallimorphs radiate from the wreck and were not observed in other parts of the reef, indicating a direct correlation between the corallimorph and the wrecked vessel. Refuge managers recently reported that the corallimorph is continuing to spread out of control and the ship must be removed immediately to avoid further damage to the ecosystem.

The Kingman Reef wreck also is showing early signs of the invasive corallimorph, as well as an elevated growth of blue-green algae, which in time can cause algal blooms that block sunlight to the reef below. The initial grounding gouged the reef and the wreck has continued to cause physical and ecological damage. Cyanobacteria, otherwise known as blue-green algae, become very abundant when stimulated by increases in limited nutrients, such as iron from corroding steel and the hydrocarbons found in fuel, both of which are supplied by the grounded vessel. Cyanobacteria are present on nearly 10% of the metal debris (metallic engine parts, piping, cookware, etc.) within 200 meters of the ship. As the ship continues to break apart, more steel will be scattered over the reef crest encouraging cyanobacteria growth. If this growth continues unabated, it is expected to spread towards the north facing shoreline where more fragile coral gardens are located. There is also concern about accelerated growth of the corallimorph *R. howesii*, which is present within 200 meters of the shipwreck.

### **Appropriation Needs**

MCBI requests that the subcommittee increase funding for NWRS operations to \$19.4 million in FY 2011 to begin to properly manage and restore the four Pacific monuments. Of the

approximately \$7.5 million that FWS received in FY 2010 to manage Papahānaumokuākea Marine National Monument, over half contributed to the maintenance and operation of Midway Atoll Airfield and upkeep of historic buildings, which is managed and funded jointly with the Federal Aviation Administration. The remaining FWS funds are inadequate for monument resource management needs. For instance, FWS does not currently have adequate funds to hire a biologist for the monument. Furthermore, FWS received less than \$200,000 in FY 2010 for management of the three new marine monuments.

To properly manage and restore the monuments, the following amounts are justified in FY 2011:

- Papahānaumokuākea Marine National Monument - \$9.1 million to continue to co-manage Midway Atoll Airfield and appropriately manage the monument by providing five additional staff to protect and restore the natural resources of the monument. \
- Marianas Trench, Pacific Remote Islands, and Rose Atoll Marine National Monuments - \$10.3 million as follows:
  - o A manager to oversee each new monument (a Rose Atoll Manager was funded in FY 2010), one public planner position to aid in management responsibilities, and associated administrative costs such as office space costs and travel expenses.
  - o Restoration measures to immediately remove the grounded fishing vessels found at Kingman Reef and Palmyra Atoll that are contributing to habitat loss. This would be a one-time cost and would benefit the ecosystem tremendously.

In summary, the FWS has not asked for sufficient funds in FY 2011 to meet its stewardship responsibilities to manage the four Pacific monuments and associated refuges.

MCBI respectfully requests that the subcommittee appropriate a total of \$19.4 million to FWS to protect and restore these world-class conservation areas.

Thank you for the opportunity to share our views.

Sincerely,



William Chandler



THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

*Office of the General Manager*

March 19, 2010

The Honorable Norman Dicks, Chairman  
Subcommittee on Interior, Environment, and Related Agencies  
House Committee on Appropriations  
U.S. House of Representatives  
B-308 Rayburn House Office Building  
Washington, D.C. 20515-6023

Dear Representative Dicks:

Support for fiscal year 2011 Federal Funding of \$5.9 Million for the Department of the Interior - Bureau of Land Management (BLM) to assist in the Colorado River Basin Salinity Control Program, with \$1,500,000 to be designated specifically to identified salinity control efforts

The Metropolitan Water District of Southern California (Metropolitan) has adopted a position supporting funding for the Bureau of Land Management's Colorado River Basin Salinity Control Title II program.

For 70 years Metropolitan has provided imported water to the Southern California region from the Colorado River and the State Water Project originating in Northern California. Our mission is to provide high quality, reliable drinking water supplies primarily for municipal and industrial use. Metropolitan is the nation's largest provider of imported water to an urban area. The population today in our service area is 19 million and it is projected to rise to 25 million within the next 25 years. Metropolitan is comprised of 26 member public agencies that serve an area spanning 5,200 square miles and six southern California counties.

Water imported via the Colorado River Aqueduct (CRA) has the highest level of salinity of all of Metropolitan's sources of supply, averaging around 630 mg/L since 1976 and causing economic damages. For example, damages occur from:

- A reduction in the yield of salt sensitive crops and increased water use for leaching in the agricultural sector;
- A reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector;



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- An increase in the use of water for cooling, and the cost of water softening, and a decrease in equipment service life in the commercial sector;
- An increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector;
- A decrease in the life of treatment facilities and pipelines in the utility sector;
- Difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins, and fewer opportunities for recycling due to groundwater quality deterioration; and
- Increased use of imported water for leaching and the cost of desalination and brine disposal for recycled water.

Concern over salinity levels in the Colorado River has existed for many years. To deal with the concern, the International Boundary and Water Commission approved Minute No. 242, Permanent and Definitive Solution to the International Problem of the Salinity of the Colorado River in 1973, and the President approved the Colorado River Basin Salinity Control Act in 1974. High TDS in the Colorado River as it entered Mexico and the concerns of the seven Colorado River Basin states regarding the quality of Colorado River water in the United States drove these initial actions. To foster interstate cooperation on this issue and coordinate the Colorado River Basin states' efforts on salinity control, the seven Basin states formed the Colorado River Basin Salinity Control Forum (Forum).

The Colorado River Basin Salinity Control Program reduces salinity by preventing salts from dissolving and mixing with the River's flow. Irrigation improvements (sprinklers, gated pipe, lined ditches) and vegetation management reduce the amount of salt transported to the Colorado River. Point sources such as saline springs are also controlled. The federal government, Basin states, and contract participants spend close to \$50 million annually on salinity control programs.

The Program, as set forth in the Act, benefits both the Upper Colorado River Basin water users through more efficient water management and the Lower Basin water users, hundreds of miles downstream from salt sources in the Upper Basin, through reduced salinity concentration of Colorado River water. California's Colorado River water users are presently suffering economic damages in the hundreds of millions of dollars per year due to the River's salinity.

By some estimates, concentrations of salts in the Colorado River cause approximately \$350 million in quantified damages in the lower Colorado River Basin states each year and significantly more in unquantified damages. Salinity control projects have reduced salinity concentrations of Colorado River water on average by over 100 mg/L with an economic benefit of \$264 million per year (2005 dollars) in avoided damages.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

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The BLM's Budget Justification document has stated that the BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation (USBR) and the U.S. Department of Agriculture (USDA), and report salt retaining measures in order to further the Plan of Implementation of Federal Salinity Control Program in the Colorado River Basin. The BLM Budget, as proposed in the BLM Budget Justification Document, calls for five principal program priorities within the Soil, Water, and Air Management Program. One of the priorities is reducing saline runoff in the Colorado River Basin to meet the interstate, federal and international agreements to control salinity of the Colorado River.

As you are aware, BLM is the largest landowner in the Colorado River Basin. Due to geological conditions, much of the lands that are controlled and managed by the BLM are heavily laden with salt. Past management practices have led to human-induced and accelerated erosion processes from which soil and rocks, heavily laden with salt have been deposited in various stream beds or flood plains. As a result, salts are dissolved into the Colorado River system causing water quality problems downstream.

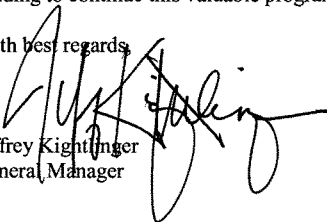
Congress has charged federal agencies, including the BLM, to proceed with programs to control the salinity of the Colorado River. BLM's rangeland improvement programs can lead to some of the most cost-effective salinity control measures available. These measures significantly complement programs and activities being considered for implementation by the USBR through its Basin-wide Program and by the USDA through its on-farm Environmental Quality Incentives Program.

Metropolitan urges this Subcommittee to support funding for the Colorado River Basin Salinity Control Program for fiscal year 2011 of \$5,900,000 to BLM. Metropolitan urges Subcommittee to specifically designate \$1,500,000 for the Colorado River Basin Salinity Control Program as has been the direction to BLM from the Subcommittee in past years.

Over the past years, the Colorado River Basin Salinity Control program has proven to be a very cost effective approach to help mitigate the impacts of increased salinity in the Colorado River. Continued federal funding of this important Basin-wide program is essential.

I would appreciate it if you make this statement a part of the formal hearing record concerning fiscal year 2011 appropriations for the Bureau of Land Management. I thank you for your Subcommittee's support of this program in years past and hope that you will again support funding to continue this valuable program.

With best regards,

  
Jeffrey Kightlinger  
General Manager

**Barbara L Rivenes  
Forestry Chair  
Mother Lode Chapter, Sierra Club**

**Testimony of  
In Support of Land and Water Conservation Fund funding  
At Tahoe and Eldorado National Forests, California  
U.S. Forest Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony on behalf of the Mother Lode Chapter of the Sierra Club in support of acquiring land at Tahoe and Eldorado National Forests in California. An appropriation of \$5.5 million is needed in FY 2011 from the Land and Water Conservation Fund in order for the Forest Service to acquire an assemblage of properties totaling 3,187 acres.

The Mother Lode Chapter members are very concerned about the wildlife and other amenities of these neighboring forests. The irrational checkerboard ownership pattern in the central Sierra Nevada is one of the most significant challenges facing Forest Service land management. Incompatible uses on private parcels interspersed with public lands degrade wildlife habitat, water quality, recreational access, and scenic views on the public lands and complicate forest management and fire control. Disruption of north-south habitat connectivity, essential to wildlife migration in the Sierra Nevada, will have much more serious effects as climate change significantly shifts wildlife habitats. For these reasons, the Forest Service has made consolidation of public ownership in checkerboard areas an acquisition priority in California. Acquiring all the private lands in the checkerboard region with significant wildlife, watershed, scenic, and recreational values will be a very long-term effort; consistent progress is essential.

We are asking you to support funding for parcels in six areas, all but one of which are in the region of checkerboard ownership. These parcels are the Tahoe and Eldorado National Forests' highest acquisition priorities in FY 2011. The merits of the parcels in each area are briefly described below.

**Castle Peak Area (Tahoe National Forest, checkerboard region)**

Our highest priorities for acquisition are parcels in the Castle Peak area on the Sierra Crest in Tahoe National Forest. Most of the Castle Peak area is included in the Castle Peak Proposed

Wilderness. The Castle Peak area is highly scenic and is a very popular year-round recreation area for the large populations of northern California and western Nevada. Thousands of acres in the Castle Peak area have been purchased in recent years, thanks in part to your support, but the acquisitions are not yet complete.

The White Rock Lake parcel, most of which is roadless, is on the northern edge of the Proposed Wilderness. Including the roadless portion of the parcel in the Proposed Wilderness would make its boundary more logical and defensible. Acquisition of the parcel would consolidate public ownership of the White Rock Lake watershed, better protecting the Lake and its population of federally endangered mountain yellow-legged frogs.

Two parcels southwest of Castle Peak and close to the Proposed Wilderness have significant recreational values. Acquisition of these parcels would make possible an improved routing of the popular Hole in Ground bicycle trail onto public lands. These parcels, which are near already subdivided lands, are potential locations for second-home development, which makes their acquisition more urgent.

#### Sagehen Creek Watershed (Tahoe National Forest, checkerboard region)

The University of California's Sagehen Creek Field Station has used the Sagehen Creek watershed as an outdoor classroom and site for wildlife, forestry, and hydrology research since 1951. Recognizing this use, the Forest Service has designated the public lands in the watershed as the Sagehen Creek Experimental Forest.

Consolidated public ownership of the Experimental Forest would ensure that incompatible activities on private land in the watershed do not confound research data and restrict educational activities. Acquisition of sections 13 and 15 on the southern and western boundaries of the Experimental Forest would significantly decrease the private lands in the Sagehen Creek watershed. Acquisition would also add to the public lands in the north-south wildlife corridor on and near the Sierra Crest, in which ownership is significantly fragmented.

#### Lacey Valley Meadows and Webber Lake (Tahoe National Forest, checkerboard region)

The 1500 acres of beautiful subalpine meadow in Lacey Valley south of Webber Lake are an outstanding feature of a 3000-acre property in the vicinity of the Lake that will be available for acquisition. Two sections in the upper end of the Valley are available in FY 2011.

The meadow and riparian areas of Lacey Valley are habitat for waterfowl and for the willow flycatcher, which is on the State endangered list. The meadow and the surrounding uplands provide habitat for deer and numerous species of raptors and predators.

Though meadows are only a small percentage of the lands within Tahoe National Forest, they contribute disproportionately to the forest's scenic, wildlife, and recreation values. A large proportion of meadows within the Forest are privately owned; early settlers valued the resources of meadows and their suitability for settlement. Now meadows are attractive locations for

second-home and resort development which seriously degrades their ecosystems and denies the general public access. Promptly responding to opportunities to acquire meadows is essential because meadows are so attractive to residential and resort developers. Acquisition of the forested ridges surrounding the Lacey Valley meadows ensures protection of the meadows and creeks.

#### English Mountain (Tahoe National Forest, checkerboard region)

Purchase of this parcel would help consolidate very fragmented public ownership immediately northeast of English Mountain by acquiring the remainder of a checkerboard section. The parcel contains most of the northeastern slopes of English Mountain and also Secret Lake, a small alpine tarn, and its outlet stream. Purchase of the section is the beginning of the highly desirable eventual consolidation of public ownership of beautiful English Meadow and other meadows along the Middle Yuba River. The Grouse Lakes Potential Wilderness, which includes the summit of English Mountain, is immediately to the south of the parcel. Though part of the section has been logged, some mature mixed conifer forest remains.

#### Big Avalanche Cave (Tahoe National Forest, checkerboard region)

Public ownership of the parcel would protect and guarantee public access to this regionally significant limestone cave system with 1500 to 2000 feet of passages. In the opinion of northern California speleologists, Big Avalanche Cave, where extensive exploration of easy passages with minimal resource impacts is possible, is the most important recreational cave in the northern Sierra Nevada. A colony of Townsend's Big-eared Bats, a species of concern in California, occupies a summer roost a few miles away. The cave is a suitable and likely winter hibernation site for this colony. Both the Western Cave Conservancy and the National Speleological Society support this acquisition.

#### Martin Meadow (Eldorado National Forest)

The volcanic ridge east of Silver Lake, between Silver Lake and the Kirkwood Ski Area, is a striking scenic backdrop for Silver Lake. This parcel is on the west slope of the ridge, within a potential addition to the Mokelumne Wilderness, surrounded on three sides by Forest Service land. Public ownership of the parcel will preserve its wilderness character and the wilderness character of surrounding national forest lands.

#### Conclusion

Your past support of appropriations to purchase private lands with significant wildlife and recreational values in Tahoe and Eldorado National Forests has been invaluable. The Mother Lode Chapter of the Sierra Club urges you to continue your past support by supporting this \$5.5 million appropriation for FY 2011.

TESTIMONY OF THE NATIONAL ASSEMBLY OF STATE ARTS AGENCIES  
TO THE SUBCOMMITTEE ON INTERIOR APPROPRIATIONS  
U.S. HOUSE OF REPRESENTATIVES, MARCH 19, 2010

The National Assembly of State Arts Agencies (NASAA), representing the state and special jurisdictional government arts agencies, is pleased to submit testimony in support of funding at \$180 million for the National Endowment for the Arts (NEA) in fiscal year 200811. Current NEA funding at \$167.5 million for FY 2010 amounts to just 55 cents per capita, compared to 70 cents per capita when the arts endowment was funded at its highest level in FY 1992. A total appropriation of \$180 million for FY11 would restore the agency to its 1992 level of \$176 million by increasing support for the NEA's core programs and provide for the president's request to fund a new initiative, Our Town.

**Appropriations Request:** In supporting a budget of \$180 million for the NEA, NASAA and the state arts agencies believe that a steady federal commitment is important, as a foundation for funding the arts, to help communities maintain and develop their artistic resources. We are encouraged that Congress in recent years has voted to increase funding for the NEA. We urge Congress to support a budget of \$180 million for the NEA in the FY11 Interior Appropriations bill to expand the core mission of the NEA to support and promote the creation, preservation and presentation of the arts, and to increase funds to the state arts agencies – identified as “critically important partners” in the administration's budget proposal. As the FY2011 appropriations request states, “As our public agency partners, SAAs greatly extend the Arts Endowment's reach and impact, translating national leadership into local benefit.”

**The Federal-State Partnership:** NEA funds granted to state arts agencies ensure that every state receives a significant share of federal arts support. By statute, the NEA grants to state arts agencies 40 percent of the Arts Endowment's grant making dollars, which combine with state legislative appropriations and other dollars to ensure that federal funding reaches far, broadening access to the arts for communities throughout the state and strengthening the state's arts infrastructure. This partnership ensures for each state a stable source of arts funding.

The principles of public support for the arts which state arts agencies work to address are a good fit with the objectives of the NEA. State arts agencies help government to achieve broad public policy goals, such as promoting education excellence, stimulating economic growth and strengthening communities. State arts agencies depend on the NEA as a full partner in projects to promote the arts around the country. State arts agencies use federal funds to increase access to the arts and support the programs of arts organizations and artists in communities. With the level of increase we propose in NEA funding, the state arts agencies, and indeed all arts organizations, can expand on the possibilities to bring to Americans in every corner of the country full opportunities to experience the arts. In 2010, state arts agencies will manage \$360 million in federal, state, and non-governmental funds for distribution through state arts agency-funded projects. Each year in partnership with the NEA, state arts agencies support approximately 24,000 projects. Funds go to 18,000 organizations, schools and artists in more than 5,100 communities across the United States. These projects take place in every congressional district and include a wide range of activities.

In 2009, state arts agencies received \$16.8 million in American Recovery and Reinvestment Act (ARRA) funds from the NEA to re-grant within their states. The **Ohio Arts Council**, with stimulus funds from the NEA, was able to save 25 arts jobs locally at 21 Ohio arts organizations. For example, two full-time positions at the Akron Art Museum were saved with the Ohio Arts Jobs Preservation Grant, without which employees would have found themselves with no health insurance and inadequate income to meet their household expenses. A grant of ARRA funds from the **Montana Arts Council** to the Custer County Art and Heritage Center in Miles City preserved two positions – of three full-time employees -- essential to ensuring arts education programs serving a rural area with low to moderate income levels for students of elementary through high school ages, after-school programs, and at homes for the elderly.

**State Arts Agency Grant Making:** State arts agencies, enabled by federal dollars, work to make the cultural, civic, economic and educational benefits of the arts available to all communities. Through services and grant making, state arts agencies increase citizen access to the arts and help each state to recognize, cultivate and promote its unique creative assets. Among the most important services is grant making designed to foster:

- educational success, by investing in arts education opportunities for students;
- arts participation and accessibility, by supporting programs that widen availability;
- cultural infrastructures, by investing in local arts networks and cultural organizations;
- innovation, by supporting individual artists and new creative programs; and
- artistic heritage, by investing in the preservation of cultural traditions.

State arts agency grant requirements encourage local investment in the arts. Applicants match – and usually exceed match—and usually exceed—the funds granted by the state with funds from local government, the private sector, or earned income activities.

**Arts in Education:** Supporting lifelong learning in the arts, with assistance from the NEA, is a top priority for state arts agencies. State arts agencies invest over \$74 million in arts education grants to more than 2,800 communities. More than a third of all state arts agency grants (about 8,500 grants) have a significant arts education component. These grants support a wide range of activities, including performances, exhibitions, residencies (both school and non-school), instruction, and curriculum development. Other types of grants support the design of assessment and evaluation tools and fund professional development programs.

By supporting arts education in the schools, state arts agencies foster young imaginations, address core academic standards, and promote the critical thinking and creativity skills essential to a 21st century work force. State arts agencies also support after-school/out-of-school arts programs, early childhood arts learning, the arts in higher education and many programs that teach the arts to adults and seniors. To achieve these diverse arts education goals, state arts agency grants and services take many forms.

The **Virginia Commission for the Arts** provides Artists in Education Residency Grants to place professional artists of various artistic disciplines in residencies for elementary and secondary students and their teachers, designed to reinforce the arts instruction provided by the school/school division and to highlight the importance of the arts as essential components of a complete education. The **Washington State Arts Commission**, working to bring arts

education to every K-12 student in the state, provides Community Consortia grants to community arts and education partners to build and sustain arts education in their schools.

**Access to the Arts:** State arts agencies use their funds to broaden and diversify participation in a wider variety of art forms through support for touring and presentation of over 7,000 exhibits and performances within their states, arts festivals and fairs, and distribution of information and artwork through various channels, including broadcast and internet. Public arts spending is especially important, for example, in rural areas which are often artistically underserved due to their geographic and economic isolation. In 2009, state arts agencies invested over \$32 million in programs to widen the availability of the arts. NEA funds to state arts agencies for grants to underserved areas are an important source of this support.

The **North Dakota Council on the Arts** provides Community Access Grants to nonprofit organizations that present arts programming in small and rural communities in North Dakota, as well as for support of programming that makes a deliberate and focused effort to serve a special constituency or an underserved audience in that community. The **Tennessee Arts Commission** offers support through a variety of programs to improve access to the arts for its citizens, including Arts Access grants, with NEA funds, to support projects of arts organizations of color and organization whose arts programs primarily benefit persons of color; its Rural Arts Project Support which funds quality arts projects located outside a metropolitan area; and Student Ticket Subsidy to supplement student attendance at arts events.

#### **Support for Local Arts Agencies**

Local arts agencies – both nonprofit organizations and those that are part of municipal or county governments – are important state arts agency partners. Together, state and local arts agencies work to ensure that the cultural, civic, educational and economic benefits of the arts are available to every community in America. State arts agencies invest more than \$39 million – 14% of all state arts agency grant dollars – in local arts agencies. These grants strengthen the programming and capacity of local arts agencies, helping them to secure additional public and private dollars at the local level. About one-third of the dollars awarded to local arts agencies by state arts agencies is operating support – flexible dollars that can be used to support community arts activities and operations in accordance with local needs and circumstances.

The **Massachusetts Cultural Council** promotes the availability of rich cultural experiences for every Massachusetts citizen through its Local Cultural Council Program, the largest grassroots cultural funding network in the nation supporting thousands of community-based projects in the arts, humanities, and sciences annually, serving all 351 Massachusetts cities and towns. The **North Carolina Arts Council** works with local arts councils and community arts organizations in all 100 counties to create and sustain innovative arts programs, annually distributing funds for local arts programs to all of North Carolina's 100 counties on a per capita basis. The **New York State Council on the Arts**, through its State and Local Partnership Program, supports the growth and development of organizations operating at the regional, county, and local levels that advance local arts and cultural initiatives.

**Supporting the Cultural Infrastructure:** Public spending on the arts is a good investment in the economic growth of every community. State arts agencies recognize that cultural



development is a vital part of economic development strategies, attracting businesses and new residents and generating jobs.

The **Kentucky Arts Council** creates opportunities for nonprofit arts and cultural organizations to offer year-round arts activities across Kentucky, providing funds to help nearly 100 organizations operate on a daily basis, and investing in the planning of arts and cultural districts to transform blighted urban neighborhoods and declining business districts into revitalized communities. The **Vermont Arts Council** assists nonprofit organizations and municipalities with its Cultural Facilities grant program to create or expand the capacity of an existing building to provide cultural activities for the public to enjoy more cultural events while increasing their participation in the heritage of their communities. The **Virginia Commission for the Arts** offers general operating support to arts organizations, major arts institutions, and local arts agencies with the aim of providing funds to maintain stability and allow organizations to strengthen and expand their programs.

**Individual Artists:** State arts agencies recognize the vital role that professional artists and traditional artists have in their communities, and the importance of supporting the creativity of individual artists in their states. Through fellowship grants and residencies, state arts agencies help artists further their work, encourage the excellence of individual artists in their states, promote and showcase the artistic creations of their artists, and acknowledge the diversity of cultural and artistic expression throughout their states.

The **Idaho Commission on the Arts** offers support through its Writer-in-Residence award, the highest literary recognition and largest financial award accorded an Idaho writer. It carries an obligation to share the literary work at community public readings throughout the state over the three-year term and seeks to encourage an appreciation for excellence in literature throughout Idaho. The **Montana Arts Council's** Artist's Innovation Awards aim to further an artist's vision and practice by support to Montana artists who have demonstrated extraordinary innovation in their work and artwork, outstanding originality and dedication in their creative pursuits, and a marked capacity for self-direction.

The **Mississippi Arts Commission's** highly competitive Artist Fellowship program is focused on honoring professional Mississippi artists living and working in the state who demonstrate the ability to create exemplary work in their chosen field.

**Cultural Heritage Preservation:** State arts agencies help to document and preserve cultural heritage by investing over \$7 million in 2009 in the preservation of cultural traditions to support the work of master folk artists; apprenticeships in the traditional arts; supporting festivals, on-line sites, and heritage trails; and the work of state folklorists.

The Folk Arts Program of the **Washington State Commission on the Arts** includes the Apprenticeship Program designed to help communities preserve their traditional arts by offering stipends to master artists to instruct students in their culture and artistic skill, including masters in Yoruba/Lucumi bead work traditions, Mexican embroidery, and Aleutian basketry. The **Maryland State Arts Council**, with funds from the NEA, supports Maryland Traditions, enabling communities, cultural institutions and individuals to preserve and sustain the state's traditional arts and culture and to encourage the vitality of living traditions and folk arts.

**Statement of  
George M. Leonard  
National Association of Forest Service Retirees  
Before the Subcommittee on Interior, Environment, and Related Agencies  
Regarding the FY 2011 Budget for the U.S. Forest Service  
March 26, 2010**

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to present the recommendations of the National Association of Forest Service Retirees regarding the F.Y. 2011 budget for the U.S. Forest Service. Members of the Association are men and women who spent their professional careers involved with the protection and management of our nation's forests and in research. Most members spent their careers working on the National Forests and Grasslands. We remain committed to the statutory management objectives for these lands that are vital to the well-being of the American people. We believe it is important, even in periods of tight budgets, to provide adequate protection and stewardship for these lands so they can serve the people and provide needed natural resources, such as water, over the long run.

We want to acknowledge the efforts of this Subcommittee to maintain the capability of the Forest Service to carry out its vital missions in the face of clearly inadequate budget requests in recent years. The President's proposed budget for FY2011 shows much better recognition of the importance of Forest Service programs. Nevertheless, we feel it falls short in several areas that are discussed below.

**Research**

With the changed structure of the forest products industry, forest management research by major forest products firms has largely disappeared. Cutbacks in State budgets have reduced forest management research at universities. That leaves the Forest Service as *the* source of the science we need to properly manage our nation's forests. We badly need more answers to questions about how to manage forests for various purposes in a period of climate change. We need to find economic uses for the smaller material that we need to remove from the forest to reduce the vulnerability to fire, insects, and disease.

*We recommend an increase in Forest and Rangeland Research of 5% over FY 2010 for research aimed at improving forest adaptability to changing climate, efficient resource use, and forest inventory and analysis.* We limit our request to 5% given the current economic situation. Frankly an increase in research of about \$90 million per year over the next five years is needed to provide a sound scientific foundation for the protection and management of our forests in the 21st century.

We want the Subcommittee to know of our concerns about the serious decline in the number of career, peer-reviewed scientists in the Forest Service. In spite of relatively stable appropriations for research, the number of career scientists in the agency has declined from about 900 to just over 500. The agency has become increasingly dependant on short-term appointments and Post-Doc appointments. This decline affects the quality of the scientific work that is being done. It significantly reduces the ability of Forest Service Research to provide sound scientific advice to

the agency, to the forest management community, and to the Congress. We urge the Subcommittee to work with the agency to reverse this unfortunate trend.

#### **State and Private Forestry**

We were disappointed to see the Administration propose reductions in funding for Forest Health Management. Given the catastrophic losses to bark beetles in the West and the threat of lethal invasive insect species throughout the country, we believe an increase in funding for this activity is warranted. *We recommend an increase of 3% over the 2010 appropriation for Forest Health Management on both Federal and Cooperative lands.*

We are also concerned about the proposed reduction in State Fire Assistance. The threat of fire on all ownerships is increasing. The cooperative relationships among federal land management agencies, state fire agencies, and local fire agencies are a model for emergency response. Reducing support for state and local agencies will adversely affect the nation's overall capacity for wildfire and other emergency responses. The States are simply in no position to pick up these costs. *We recommend no reduction in State Fire Assistance.*

The United Nations had designated 2011 as the Year of the Forests. Observances are planned throughout the world to call attention to the importance of forests to the quality of life. *We recommend increasing the appropriation for International Forestry by \$1 million to allow the Forest Service to participate with other nation's in this recognition.*

#### **National Forest System**

The proposal to merge the Forest Products, Wildlife and Fisheries, and Vegetation and Watershed Management line items into a single line item will facilitate implementation of integrated management activities on the ground. When a Ranger receives funds in a number of discrete accounts, it is hard to match the money to the needs of a particular project. On the other hand, merging the line items will make it more difficult for people interested in particular activities to identify and track how their interests are being addressed. For example, the Budget Justification for 2011 shows only acres to be treated to restore watershed function or resilience. No data is shown that identify the nature of the work that will be done. There is no data for targets previously displayed such as the area of forest vegetation to be improved, the area of forest vegetation to be established, the area of rangeland vegetation to be improved, the area of stream improvements, or the area of noxious weeds and invasive plants to be treated. People and cooperators with interest in the various activities should be able to find out what the agency is proposing to do and then find out if they did it. If this proposal is accepted, it will be important for the agency and the Congress to fully display planned work and to carefully track and report on activities within the line item. A single broad description such as restoring watershed function provides no basis for judging the need, priority, cost, or otherwise assessing the validity of the proposal. For example, if the appropriation for the line item is based on preparing and selling a given volume of timber, the agency will need to track and report on accomplishments for this activity. *If the line items are merged, we suggest the combination be named Integrated Resource Management rather than Integrated Resource Restoration.* Restoration of forests and watersheds to healthy conditions is important, but a significant amount of the work that is needed on our National Forests and Grasslands involves activities to maintain vegetation, watersheds and wildlife habitat in a healthy, sustainable condition.

We appreciate the emphasis the subcommittee has given to funding needed Hazardous Fuel Treatments. This work is critical to reducing the vulnerability of our forests to catastrophic fire losses, as well as the threat to lives and property in the wildland urban interface. We believe, however, that it will not be possible to get on top of the growing fuels problem by relying only on appropriated funds. If we are going to succeed, we must find ways to capture the economic value of the material that needs to be removed from the forest. Much of this material can be used for conventional wood products, for composite materials, and for energy production. Not all of the material will fully pay its way out of the woods today, but even if its removal must be subsidized, it will be cheaper to utilize it than to treat it in place. Importantly, utilization of this material will create jobs in local forest-dependent communities where unemployment rates are high. *We recommend an increase in the volume of timber to be prepared and offered for sale of 700 million board feet over that provided for FY2010.*

The Forest Service reports a backlog of lands needing reforestation of about one million acres. This is based on the results of on the ground examinations and prescriptions. Based on the rate that the backlog has been reduced in recent years, it will take nearly 20 years to eliminate it. We are concerned that the actual area needing reforestation may be significantly larger than reported. For example, a rapid assessment of the 2007 fires showed that some 500 thousand acres might need reforestation. The rapid assessment of the 2008 fires showed that potentially 227 thousand acres might need reforestation. On-the-ground stand examinations are needed to identify how much of this burned land should be added to the backlog. *We recommend a \$6 million increase in funding over that provided in 2010 for reforestation so that stand examinations can be completed and the agency and this subcommittee will have the data needed to develop a plan for increasing the reforestation program to a level that will eliminate the backlog within five years.*

The Administration proposes a small decrease in funding for Inventory and Monitoring. Inventory and monitoring are essential to professional management of forest resources and to insuring that activities meet established standards. Good information on the results of forest management activities is important to gaining and maintaining public support. *We urge that funding for Inventory and Monitoring be continued at not less than the 2010 level.*

The National Forests and Grasslands are neighbors to thousand of landowners and communities. Maintaining property lines, inspecting authorized uses, and responding promptly to requests for land uses and rights-of-way are essential to protecting the public property and to being a good neighbor. *We recommend an increase of \$5 million for Landownership Management.*

#### **Capital Improvements and Maintenance**

We deplore the proposed reductions in funding for Capital Improvements and Facilities. We recognize that substantial funding for these activities was provided in the economic stimulus package, but large backlogs remain. If regular funding is reduced because of the economic stimulus funding, the benefits of the economic stimulus are lost. We particularly object to the reduction in funding for maintaining passenger car roads. The American people have a right to visit their National Forests and Grasslands. These roads are essential to recreation use that is important to the economies of local forest-dependant communities. They are important for the prompt initial attack on fires that is essential to controlling suppression costs. It has long been recognized that adequate access is essential to sustainable management and protection of forest lands. One of the premises of the reduction in the timber program in the 1990's was that some of the employment losses would be made up by increases in recreation use. Recreation use on the

National Forests is dependent on access by roads and trails. *We urge that funding for Capitol Improvements and Maintenance be continued at FY2010 levels.*

#### **Wildland Fire Management**

In response to Congressional direction, the budget proposes rebalancing funding for Preparedness and Suppression. This rebalancing is desirable. We were disappointed that the Administration failed to fully implement Congressional direction in the FLAME Act. Funding for fire suppression (Fire Operation -Suppression and the FLAME Fund) is based on the 10-year average cost of suppression. *We recommend funding for fire suppression be based on the most recent 5-year average cost of suppression projected to 2011 as prescribed by the FLAME Act.* Establishing a third fund for suppression has no merit.

It is essential that the Forest Service has the capability to respond quickly with emergency watershed stabilization treatments following a wildfire. The flooding in Los Angeles following the Station Fire illustrates the importance of these funds. *We urge that funding of NFP - Rehabilitation and Restoration be continued at 2010 levels.*

Earlier we expressed our concerns about the proposed reductions in Forest Health and State Fire Assistance under State and Private Forestry. We have the same concerns about the reductions in these programs under the National Fire Plan. *We recommend an increase in funding for NFP-Forest Health of 3 percent. We recommend maintaining NFP-State Fire Assistance at the 2010 level;*

This Subcommittee has been diligent in recognizing the special responsibility that the Congress has for the proper stewardship of our nation's forest lands and, particularly, the National Forests and Grasslands. We believe the recommendations set forth above will help to insure that this natural heritage will serve the people now and in the future.

Thank you.

**TESTIMONY OF PHILIP GIUDICE, COMMISSIONER, MASSACHUSETTS  
DEPARTMENT OF ENERGY RESOURCES, CHAIR  
NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS  
BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND RELATED  
AGENCIES APPROPRIATIONS SUBCOMMITTEE IN SUPPORT  
OF FY=11 U.S. ENVIRONMENTAL PROTECTION AGENCY FUNDING  
March 19, 2010**

Mr. Chairman and members of the Subcommittee, I am Phil Giudice of Massachusetts, and Chair of the National Association of State Energy Officials (NASEO). NASEO represents the energy offices in the states, territories and the District of Columbia. NASEO is submitting this testimony in support of funding for the Energy Star program (within the Climate Protection Division of the Office of Air and Radiation) at the U.S. Environmental Protection Agency (EPA). **NASEO supports funding of at least \$75 million, including specific report language directing that the funds be utilized only for the Energy Star programs.** The Energy Star programs are successful and cost-effective. They should be expanded, not reduced. With energy prices increasingly volatile, Energy Star can help consumers quickly.

The Energy Star program is focused on voluntary efforts that reduce the use of energy, promotes energy efficiency and renewable energy, and works with states, local governments and business to achieve these goals in a cooperative manner. NASEO has worked very closely with EPA and over 40 states are Energy Star Partners. In 2005, EPA and NASEO announced a Clean Energy and Environment State Partnership program, which has many state members. We are also working closely with EPA on Home Performance with Energy Star. With very limited funding, EPA=s Energy Star program works closely with the state energy offices to give consumers and businesses the opportunity to make better energy decisions, without regulation or mandates.

Energy Star focuses on energy efficient products as well as buildings. In 2008, 550 million Energy Star products were purchased. The Energy Star label is recognized across the United States. It makes the work of the state energy offices much easier, by working with the public on easily recognized products, services and targets. In order to obtain the Energy Star label a product has to meet established guidelines. Energy Star=s voluntary partnership programs include Energy Star Buildings, Energy Star Homes, Energy Star Small Business and Energy Star Labeled Products. The program operates by encouraging consumers, working closely with state and local governments, to purchase these products and services. Marketplace barriers are also eradicated through education. State energy offices are working with EPA to promote Energy Star products, Energy Star for new construction, Home Performance with Energy Star (especially for existing homes), Energy Star for public housing, etc.

In addition to the state partners, the program has over 14,000 voluntary partners including over 2000 manufacturers using the label, more than 1,000 retail partners, more than 5,000 builder partners, 4,500 businesses, 550 utilities and thousands of energy service providers.

The Home Performance with Energy Star activity allows us to focus on whole-house improvements, not simply a single product or service. This is extremely beneficial to homeowners. Programs have already been undertaken in California, Massachusetts, New York, Illinois, Maryland, Oregon, Texas and Wisconsin. We are also working closely with EPA in the implementation of the Energy Star Challenge, which is encouraging businesses and institutions to reduce energy use by 10% or more, usually through very simple actions. We are working with the building owners to identify the level of energy use and compare that to a national metric, establish goals and work with them to make the specified improvements. Again, this is being done without mandates.

The state energy offices are very encouraged with progress made at EPA and in our states to promote programs to make schools more energy efficient, in addition to an expanding Energy Star business partners program. This expansion will continue. EPA has been expanding the technical assistance work with the state energy offices in such areas as benchmark training (how to rate the performance of buildings), setting an energy target and training in such areas as financing options for building improvements and building upgrade strategies.

The state energy offices are working cooperatively with our peers in the state environmental agencies and state public utilities commissions to ensure that programs, regulations, projects and policies are developed recognizing both energy and environmental concerns. We have worked closely with this program at EPA to address these issues. The level of cooperation from the agency has been extraordinary and we encourage these continued efforts.

#### **Expansion of Energy Star**

The Energy Star program saves consumers billions of dollars every year. The payback is enormous. NASEO supports an increase of this program to \$75 million in FY'11. The elements of the proposed expanded program are as follows:

- 1) \$5 million in additional funding should be appropriated to expand the program to upgrade energy-inefficient homes (Home Performance with Energy Star and Qualified Installation with Energy Star). Consumers could save \$500 per year on their energy expenditures, which is \$10,000 over 20 years (nominal dollars). This is real money in the pockets of consumers. It can help them stay in their homes and help the economy. There are significant, off-the-shelf energy efficiency measures that can be utilized. A large expansion of the Home Performance with Energy Star is the critical element of this initiative. Additional work to encourage quality installation of heating and cooling equipment would also produce real savings.
- 2) \$5 million in additional funding should be appropriated for an expansion of energy performance ratings systems for the nation's buildings. Information on energy use per square foot is a key motivating tool. This can help commercial building owners make the right decisions.
- 3) \$5 million in additional funding should be appropriated for expansion of Energy Star to medium and small manufacturers and small businesses. The state energy offices are working

hard to preserve and expand jobs in this difficult economy. Energy Star is a powerful tool to help reduce operating costs and maintain profits and jobs.

4) \$5 million in additional funding should be appropriated for an expanded outreach program for energy efficiency to states, utilities, local governments, schools and other potential program sponsors. Energy Star provides crucial technical assistance to help work with these entities to expand energy efficiency programs throughout the economy.

5) \$5 million in additional funding should also be provided for the Energy Star Industrial program, Energy Star New Commercial Buildings, Energy Star New Home Construction and Energy Star Product labeling.

The funds delineated above should be added to the existing appropriation. It is especially critical for the Energy Star program to work with the states and local governments as they distribute stimulus funds for the State Energy Program (\$3.1 billion), the Energy Efficiency and Conservation Block Grant (for local and state governments)(\$3.2 billion), the Weatherization Assistance Program (\$5 billion) and the Appliance Rebates Program (\$300 million). The funding provided in this bill will help spend this money more effectively.

#### **Conclusion**

Increases in funding for the Energy Star programs are justified. NASEO endorses these activities and the state energy offices are working very closely with EPA to cooperatively implement a variety of critical national programs.



**Written Public Testimony of Steve Koehn, President  
National Association of State Foresters**

**Submitted to the House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies**

**March 19, 2010**

The National Association of State Foresters (NASF) appreciates the opportunity to submit written public testimony to the Committee regarding our appropriations recommendations for fiscal year 2011. Our priorities for Interior appropriations center on the USDA Forest Service agency appropriation for State and Private Forestry (S&PF) programs, with a particular emphasis on Forest Inventory and Analysis, State Fire Assistance, Cooperative Forest Health, Forest Stewardship and Urban and Community Forestry. The total NASF recommendation for S&PF is \$355 million, representing a 15% increase over the FY2010 enacted levels.

As stewards of the more than two-thirds of America's forests in state and private ownership, state foresters deliver outreach, technical and financial assistance as well as wildfire protection through the S&PF mission area of the Forest Service. S&PF programs leverage the capacity of state agencies to provide vital assistance to forest landowners, tribes and communities to restore, manage, and protect their forests and green spaces.

Even in a tight budget climate, state foresters believe it is critically important to make solid investments in S&PF programs that help realize the potential of America's forests in addressing national priorities related to climate change mitigation, renewable energy production and job creation. Funding reductions to S&PF programs will ultimately lead to reduced ability to conserve and manage forests, to enhance public benefits from forests, and to protect forests from catastrophic wildfires, insects and diseases and development—all of which are national priorities for private forest conservation identified in the 2008 Farm Bill.

**FOREST INVENTORY AND INFORMATION**

The Forest Inventory and Analysis (FIA) program, managed by USDA Forest Service Research, is the nation's only comprehensive forest inventory system for assessing the health and sustainability of the nation's forests across all ownerships. FIA collects essential data on everything from forest species composition, to forest growth rates, to forest health data. It provides unbiased information that serves as the basis for monitoring trends in wildlife habitat, wildfire risk, insect and disease threats, predicting spread of invasive species and for solving many other resource questions.

The Agricultural Research, Extension, and Education Reform Act of 1998 (P.L. 105-85) mandated the USDA Forest Service to partner with the states and non-governmental interests to implement a nationally consistent, annual inventory program in all states, ensuring timely availability of data and developing state-level reports every five years. Unfortunately, states such as Wyoming, Nevada, Hawaii and interior Alaska have not been inventoried under the program, and many other states lack timely updates. A solid inventory is essential to all our forest priorities whether mitigating climate change, providing woody biomass for renewable energy production or determining the timber supply available to support local mills and local jobs.

NASF recommends the FIA program be funded at a minimum of \$76 million for FY2011, with \$71 million through Forest and Rangeland Research and \$5 million through State & Private Forestry. Funding at this level will help inventory every state on an annual basis, develop new carbon accounting protocols and improve the ability of the program to estimate sustainable supplies of biomass for renewable energy production.

#### **WILDFIRE PREPAREDNESS AND RESPONSE**

More people in fire-prone landscapes, larger and more frequent wildfires, climate change, and unhealthy landscapes have created a wildland fire situation that has become increasingly expensive and complex. The State Fire Assistance (SFA) program is the fundamental federal assistance mechanism that states and local fire departments use to develop preparedness and response capabilities for wildland fire management on non-federal lands. The program has helped over 11,000 communities prioritize their preparedness and mitigation efforts through the development of Community Wildfire Protection Plans (CWPPs); yet, the threat of wildfire to lives and property remains in more than 69,000 communities at risk.<sup>1</sup> NASF recommends \$45 million for Cooperative Fire Protection SFA and \$70 million for Wildland Fire Management SFA to address the mitigation and preparedness backlog in communities at risk from wildfire.

In 2009, the Federal Land Assistance, Management and Enhancement Act (FLAME Act) established two funds—one for the Forest Service and another for the Department of the Interior (DOI)—to reduce the need for the agencies to transfer funds to wildfire suppression from other agency programs, which have historically led to considerable disruptions to important program functions. Congress included specific instructions that FLAME should be funded with improved estimates and not at the expense of other agency programs. For FY2010, the Forest Service received \$413 million and DOI received \$75 million for their respective FLAME funds.

The President's budget proposal for FY2011 includes not only the FLAME Funds but also a Wildland Fire Contingency Reserve for each agency. These Reserves are accessible after the "regular" suppression dollars and the FLAME Funds have been exhausted and require a Presidential declaration to be accessed. These Contingency Reserves are duplicative of the FLAME funds and have the potential to limit the success of the solution Congress enacted last fall. The FLAME Act already lays out the partitioning of the wildland fire suppression account and how they should be funded and managed.

We request that appropriators reaffirm their support for the FLAME Act by funding only the FLAME account at appropriate levels. Additionally, we recommend the appropriators continue providing direction to the agencies to develop FLAME and "regular" suppression funding estimates that are based on an accurate, predictive model, and not on the outdated, traditional rolling 10-year average currently used by the Forest Service. Further, we share your commitment to the Comprehensive Wildfire Management Strategy called for in the FLAME Act and look forward to the intergovernmental collaboration with our federal partners to deliver the report this October.

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<sup>1</sup> NASF FY2009 *Communities at Risk Report*, February 2010

#### **FOREST HEALTH THREATS**

The Cooperative Forest Health Management program provides funding assistance to maintain healthy, productive forest ecosystems on non-federal forestland. Program activities include prevention, detection, and suppression of damaging insects, diseases, and plants. We greatly appreciate the subcommittee's increased FY2010 investment in the program, which helped provide resources to respond to the emerald ash borer, hemlock woolly adelgid, gypsy moth and other forest pests and diseases. Work remains, however, as the country loses billions of dollars in forest and tree benefits each year to these and other new forest health threats such as the gold-spotted oak borer, thousand canker disease, laurel wilt disease, and sudden oak death.

The Forest Health Management Program needs adequate funding to expand its Early Detection project, which is responsible for detecting more than a dozen introduced insects including the sirex woodwasp and Mediterranean pine beetle, both of which threaten the economically important pine forests of the Southeast. The detection program covers all states on a three-year rotation and is in urgent need of resources to develop and deploy methodologies to detect highly damaging wood-boring beetles. As the majority of the nation's forests are in private ownership, a landowner assistance program for early detection and rapid response for these pine pests (as well as others) should be considered. Now is not the time to reduce funding for this vitally important program designed to target and respond to damaging pests and disease. NASF recommends funding Cooperative Forest Health at the \$53 million level in State and Private Forestry and at the \$13 million level in Wildland Fire Management.

#### **LANDOWNER ASSISTANCE**

The Forest Stewardship Program is the most extensive family forest-owner assistance program in the country. Planning assistance is delivered in cooperation with state forestry agencies primarily through the development of Forest Stewardship Plans. The program provides information to private landowners to help them manage their land for wildlife, recreation, aesthetics, timber production, and many other purposes. The FSP also plays a fundamental role in keeping forests as forests so they can continue to provide clean air and water, climate change mitigation benefits and biomass for renewable energy production while maintaining jobs and supporting diverse forest products markets in rural communities.

The technical assistance provided through the FSP is also critical to the success of other popular USDA cost-share and state tax abatement programs. For instance, the FSP enables landowners to participate in the Forest Legacy Program, Environmental Quality Incentives Program, and the Biomass Crop Assistance Program. The FSP also increasingly serves as the gateway to participating in forest certification programs and accessing renewable energy and carbon markets. Unfortunately, funding levels over the recent fiscal years have been out-of-step with the increasing demand for technical assistance provided through the program. NASF recommends appropriating \$45 million to the Forest Stewardship Program for FY2011.

#### **TREES AND FORESTS WHERE AMERICANS LIVE**

Urban forests include the tree canopy cover above every neighborhood, town and city in America. They provide environmental, social and economic benefits to more than 80% of the nation's population. Urban forests provide energy savings, improve air quality, neighborhood stability, aesthetic values, reduce noise and provide a better quality of life for communities across the country. Since its expansion under the Cooperative Forestry Assistance Act of 1990,

the Forest Service's Urban & Community Forestry (U&CF) program has provided technical and financial assistance to promote the stewardship of critically important green infrastructure.

The program is delivered in close partnership with State Foresters and leverages existing local efforts that have helped thousands of communities and towns manage, maintain, and improve their tree cover and green spaces. In addition, the U&CF program provides critical assistance to help communities manage risk, respond to storms and disturbances, and contain threats from invasive pests. The program also conducts pioneering research on the effects urban forests have on reducing greenhouse gasses, creating energy savings and mitigating the impacts of climate change. NASF supports an appropriation of \$40 million in FY2011 to help deliver the baseline technical, financial, research and educational services which help communities in every state assess, manage, and optimize the benefits of trees in urbanized landscapes.

#### **ALL LANDS, ALL HANDS**

In a speech in fall of 2009, USDA Secretary Tom Vilsack delivered his vision for America's forests, recognizing that the spectrum of US Forest Service responsibilities extends well beyond national forests and includes stewardship of state and private lands as well. NASF supports the efforts of Secretary Vilsack and Forest Service Chief Tidwell to advance a **shared** vision for the nation's forests based on an "all-lands" approach to conservation.

***Statewide Forest Resource Assessments and Strategies.*** The Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) set into motion landmark changes in the way trees and forests will be managed, conserved, used and enjoyed today and for future generations. At its foundation is the requirement for each state to coordinate with local partners, stakeholders and other federal and state natural resource agencies to complete a Statewide Forest Resource Assessment and Strategy. The Assessments provide an analysis of forest conditions and trends in the state and delineate priority rural and urban forest landscape areas. The Resource Strategies provide long-term plans for investing state, federal, and other resources to where they can most effectively stimulate or leverage desired action and engage multiple partners. This sets the stage for integrated decision-making regarding federal investments that are based on high priority needs and opportunities identified by each state and not necessarily programmatic mandates (as is currently the case). Per the direction in the 2008 Farm Bill, state and territorial forestry agencies will complete and begin implementing individual Statewide Forest Resource Assessments and Strategies in June 2010.

***Integrated Resource Restoration Funding.*** The FY2011 Forest Service Budget Justification includes a positive first step toward implementing the administration's all-lands approach. Funding for a new Integrated Resource Restoration budget line item for the National Forest System will allow for greater local decision-making in addressing priority issues and landscapes on National Forest System lands, and provides support for integrating those identified in State Assessments. Budget flexibility and less "stovepipe funding" can be very effective in restoration efforts that cross boundaries and program areas. Flexibility should be accompanied by accountability of each national forest system unit in accomplishing the objectives set forth in its land and resource management plan. Performance measures should be established that document accomplishment of management goals related to wildlife, timber and watershed restoration.

## NCSHPO

National Conference of State Historic Preservation Officers

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Ruth Pierpont, President  
National Conference of State Historic Preservation Officers and  
Director, Division for Historic Preservation, New York State Office of Parks Recreation and  
Historic Preservation  
Testimony before the  
U. S. House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment and Related Agencies  
The Honorable James Moran, Chairman

March 19, 2010

- Request:**
- \$50,000,000 for State Historic Preservation Offices<sup>1</sup>
  - \$5,000,000 for competitive grants to States for digitization of documents and historic site survey fieldwork

The programs are funded through withdrawals from the Historic Preservation Fund (16 USC 470h) U. S. Department of the Interior's National Park Service Historic Preservation Fund (HPF).

### THANK YOU

Thank you Chairman Moran, Ranking Member Simpson, and members of the House Appropriations Subcommittee on Interior, Environment and Related Agencies for the opportunity to provide testimony. First, on behalf of all 57 State Historic Preservation Officers, I extend heartfelt thanks to you and the subcommittee for providing an additional \$4 million for SHPOs in FY10, without which SHPOs could not have addressed the rising workload of American Recovery and Reinvestment Act (ARRA) projects and helped to keep the stimulus program on track. The additional HPF withdrawals are particularly essential in these times of State fiscal crises and reduced SHPO budgets that have resulted in up to 40% reductions in staffing.

Our request has two components: 1. Immediate: a \$50,000,000 withdrawal from the HPPF and 2. Long-term: a \$5 million withdrawal to assist states in "finishing" the identification of America's historic places by the 50<sup>th</sup> anniversary of the National Historic Preservation Act (NHPA) in 2016.

### SHPOs AND ARRA

SHPOs continue to need \$50 million to weather "the perfect storm" created by the American Recovery and Reinvestment Act (ARRA) projects hitting the ground at the exact time that state governments are facing massive budget deficits, reduced funding and, in some cases, elimination

<sup>1</sup> The NCSHPO supports the request of the House Preservation Caucus of \$50 million for SHPOs, \$5 million for survey/digitization grants, \$12 million for tribes, \$25 million for Save America's Treasures and \$4.6 for Preserve America.

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of historic preservation programs. While the Administration and federal agencies can claim success in obligating ARRA funds, the real review work for SHPOs is just beginning.

As seen from the following, increasing amounts of ARRA reviews with no additional funding for staffing means States are unable to fully and successfully implement the National Historic Preservation Act.

- WI – Has reallocated staffing from Federal Rehabilitation Tax Credit project reviews (a job creation program) and public education efforts to compliance review because of the need to shift resources to compliance.
- VA - State budget challenges throughout government and flat federal funding of mandated federal activities have caused reductions in staffing throughout the Department's closely interrelated program areas of Section 106 reviews, survey and register programs and archives staff, which all support the Section 106 program.
- CA - Clearing out the ARRA projects backlog has resulted in other projects (approximately 400), especially renewable energy projects, being delayed. Not only is the workload increasing by approximately 200% to 300%, but also staff has spent considerable amounts of time teaching/training the Section 106 process to federal agencies that have no cultural resource staff. Federal agencies are also delegating their Section 106 consultation responsibilities to local governments that have no idea of the compliance process. CA has developed several Programmatic Agreements to streamline the process since 80% of the submissions from state agencies do not affect historic properties. Three furlough days per month are also impeding the review process; should furloughs be dropped it should increase OHP's work productivity by 15%. California has been successful in obtaining ten additional positions, paid for by federal and renewable energy agencies to supplement OHP's staff as limited term employees for the next two years.
- MD – Staff has worked hard to ensure prioritized review of ARRA assisted projects, but the increased volume of projects, as well as the amount of staff time needed to provide information and technical assistance to the grant recipients, is depleting their existing staff resources. Thus, their ability to complete non-ARRA funded project reviews within a 30 day time and provide essential customer service to compliance clients is being substantially impaired.
- SD – The combination of ARRA projects and being short staffed has meant less time spent on National Register projects (preparing and/or updating nominations and historic contexts).
- TX – To meet Section 106 review deadlines they have had to reallocate staff from processing National Register nominations to handling ARRA funded compliance projects. This has slowed down their National Register submittals, and they are receiving complaints from customers.

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- OK - Has experienced about a 40% increase in total Section 106 project reviews. In order to meet the 30 day deadline they have cut back significantly on providing assistance to communities and conducting site visits unless directly related to a federal rehabilitation tax credit projects. They are also experiencing furloughs.

#### **IT'S NOT JUST ARRA.....**

As SHPOs continue to review \$787 billion in ARRA projects, Congress is considering a second Jobs Bill and future “green and clean” energy bills. These and all new federal initiatives create additional SHPO review responsibilities. The Departments of Interior and Energy are also aggressively pursuing renewable energy projects. These massive, multi-state initiatives require extensive research and work hours for SHPO staff. Many SHPOs anticipate renewable energy projects will require much of their Section 106 staff time during the next several years, likely causing delayed responses to non-energy related reviews primarily due to a lack of digitized records and complete historic surveys.

#### **SHPOs LONG TERM GOAL**

The NCSHPO is requesting \$5 million in competitive grants to States to identify and create a digital record of America’s historic places. Historic site survey is the foundation of all historic preservation. Federal budgets have given survey a low priority for over 40 years. As the 50<sup>th</sup> anniversary of the Preservation Act approaches in 2016, SHPOs need HPF support to find America’s historic places and put the information in accessible, digital formats.

Specifically, the grant funds would be used for two purposes: 1) to convert existing paper records to electronic formats (data bases, GIS); and 2) to conduct inventory fieldwork, filling in the current patchwork of identified sites, which is essential for federal project review (Section 106) and lays a foundation for every future preservation activity, e. g., National Register).

#### **FUNDING RATIONALE**

##### **1. SHPOs are the Nation’s Preservation Program**

In 1966 Congress recognized the importance of preserving our past by passing the National Historic Preservation Act (NHPA 16 USC 470), which established historic preservation as a federal government priority. Instead of using federal employees to carry out the Act, DOI and ACHP use State Historic Preservation Offices to: 1) locate and record historic resources; 2) nominate significant historic resources to the National Register of Historic Places; 3) foster historic preservation programs at the local government level and promote the creation of preservation ordinances; 4) provide funds for preservation activities; 5) comment on federal preservation tax projects; 6) review all federal projects for their impact on historic properties; and 7) provide technical assistance to federal agencies, state and local governments and the private sector.

##### **2. SHPOs generate Jobs and Economic Development**

The SHPOs conduct 90% of the work involved in the Federal Rehabilitation Tax Credit program. Starting with National Register nominations, SHPOs educate investors about the tax credit and work with owners on the rehabilitation plans before final NPS approval. In 2009, during the height of the recession, 1,000 plus rehabilitation projects created an average of 68 new and

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principally local jobs/project and leveraged \$4.7 billion of private investment into the US economy.

SHPO pass through grants to Certified Local Governments, though paltry (grants average less than \$10,000/project), pack a powerful punch. The Michigan SHPO grant to a Certified Local Government (CLG) created a historic wood windows restoration workshop. The workshop provided specialized training to the unemployed and in the process educated individuals about the energy efficiency benefits of rehabilitating rather than replacing historic wood windows. This workshop, free of charge to participants, resulted in two of the fourteen students starting their own window repair small businesses, and the program was such a success that more workshops will be offered in 2010.

Heritage tourism creates jobs, new businesses, builds community pride and can improve quality of life. SHPOs are essential, ground level partners in identifying historic places and providing research for tourist interpretation. According to a 2009 national research study on U.S. Cultural and Heritage travel by Mandela Research, 78% of all U.S. leisure travelers participate in cultural and/or heritage activities while traveling. Cultural and heritage travelers also spend on average \$994 dollars per trip compared to \$611 for all U.S. travelers.

### **3. SHPOS are good at their job**

#### **2009 State Historic Preservation Offices' Accomplishments**

SHPOs used their HPF allocations well in 2009. While virtually every state experienced cut backs and reductions, SHPOs are still charged with implementing the requirements of the NHPA to their fullest extent. Highlights of 2009 historic preservation accomplishments include:

- Over \$4.7 billion of private investment in the rehabilitation of commercial historic properties under the Federal Rehabilitation Tax Credit (FRTC) program.
- An estimated 70,000 jobs created by the FRTC program in 2008.
- 6,710 low and moderate income housing units created through the FRTC.
- Approximately 9 million acres surveyed for cultural resources and over 146,600 properties evaluated for their historical significance.
- 1,115 new listings in the National Register of Historic Places.
- SHPOs reviewed 106,900 Federal undertakings, providing 104,100 National Register eligibility opinions.
- 55 new communities became Certified Local Governments (CLGs)
- CLG's newly designated 53,700 properties, and 89,300 properties took part in local preservation review, programs, and incentives.

#### **Conclusion**

As Ranking Member Simpson stated "America's history is relatively young. We still have time to save it." Historic preservation recognizes that what was common and ordinary in the past is often rare and precious today, and what is common and ordinary today may be extraordinary, fifty, one hundred or five hundred years from now. I would like to thank the committee for their commitment to historic preservation. The federal government plays an invaluable role in preserving our nation's history and through our partnership, SHPOs stand committed to identify, protect, and maintain our Nation's historic heritage.

Thank you.



TESTIMONY OF JODY OLSON, ASSISTANT DIRECTOR, GOVERNMENT RELATIONS  
AND EXTERNAL AFFAIRS  
NATIONAL FISH AND WILDLIFE FOUNDATION  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,  
ENVIRONMENT, AND RELATED AGENCIES REGARDING  
**FY 2011 BUDGET FOR THE U.S. FISH AND WILDLIFE  
SERVICE, BUREAU OF LAND MANAGEMENT AND FOREST SERVICE**

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to submit testimony regarding FY 2011 funding for the National Fish and Wildlife Foundation (Foundation). **The Foundation's FY 2011 funding request is fully authorized and each federal dollar appropriated will be matched by a minimum of one non-federal dollar.** We appreciate the Subcommittee's past support and respectfully request your approval of funding at the following levels:

- **\$ 8.537 million through the U.S. Fish and Wildlife Service's Resource Management General Administration appropriation;**
- **\$ 3 million through the U.S. Fish and Wildlife Service's Resource Management Endangered Species appropriation to conserve and restore endangered salmon;**  
**\$ 4 million through the Bureau of Land Management's Management of Lands and Resources appropriation; and**
- **\$ 3 million through the Forest Service's National Forest System appropriation.**

**Since its inception, the Foundation has leveraged nearly \$500 million in federal funds into more than \$1.6 billion in on-the-ground and in-the-water conservation with less than 5% aggregate overhead to the federal government and fewer than 90 staff nationwide.**

The Foundation was established by Congress in 1984 to foster public-private partnerships to conserve fish, wildlife and their habitats. The Foundation is required by law to match each federally-appropriated dollar with a minimum of one non-federal dollar. We consistently exceed this requirement by leveraging federal funds at a 3:1 average ratio while building consensus and emphasizing accountability, measurable results, and sustainable conservation outcomes.

With your support, **FY 2011 funds will support our long-standing grant programs and new partnership initiatives with the U.S. Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), and Forest Service (FS). Several of our priority initiatives for FY 2011 are described below.**

**Fish Habitat Restoration**

In cooperation with FWS, BLM, and FS, the Foundation provides community-based grants to assist rural communities, farmers, ranchers and other private landowners with restoring habitats that are essential for native fish species and their migration corridors. To the extent possible, the Foundation is also partnering with the National Oceanic and Atmospheric Administration and USDA's Natural Resources Conservation Service on these efforts, and successfully leveraging

federal support with corporate contributions for fish habitat conservation. Many of these in-stream and riparian habitat restoration projects are located on or adjacent to public lands. To complement these efforts, the Foundation has successfully implemented a water transactions program in the Columbia Basin in partnership with the Bonneville Power Administration, local water trusts, and willing landowners. All of these approaches for habitat restoration will be necessary to sustain or recover the 700 fish species in decline in North America.

The Foundation is building on our long history in fish habitat restoration to strategically target our partnership efforts toward specific species of concern in FY 2011 and the next few years. Specifically, we are working with federal, state and local partners to coordinate efforts to restore habitat for **Eastern Brook Trout in the Mid-Atlantic region and Salmon in the Pacific Northwest.**

#### **Eastern Brook Trout Restoration**

Brook trout are the only trout native to much of the eastern U.S. and because they persist in only the coldest and cleanest waters they are positive indicators of watershed health. The mid-Atlantic region has seen the greatest decline in brook trout populations, where they are now found only in scattered headwaters streams. Foundation grants are focusing on unique threats and opportunities in specific watersheds of Virginia, West Virginia and Pennsylvania. It is anticipated that restoration activities will meet or exceed the Eastern Brook Trout Joint Venture goals for the mid-Atlantic region.

#### **Salmon Recovery**

The Foundation is successfully engaging landowners, community groups, tribes, and businesses in stimulating smaller-scale, community-oriented habitat restoration and protection projects to aid in salmon recovery. In particular, for nearly a decade the Foundation has leveraged FWS appropriations with state and local funds to establish local grant partnerships in Washington State. We have partnered with the Washington State Salmon Recovery Funding Board to administer a statewide Community Salmon Fund program that is coordinated with the individual Lead Entity groups. In addition, the Foundation has ongoing partnerships with both King and Pierce Counties to administer county-specific Community Salmon Fund programs in those counties.

**Other focal species for the Foundation's grants include: Apache trout, Colorado Cutthroat trout and native suckers and chubs in the Upper Colorado Basin, and Coho salmon and endangered suckers in Klamath Basin.**

#### **Chesapeake Bay, Great Lakes, Long Island Sound, and Puget Sound**

Watershed health plays an important role in fish and wildlife conservation and has been a feature of the Foundation's grantmaking since establishing our partnership with the Environmental Protection Agency (EPA) in 1998. In the last decade, the Foundation has formed strategic public-private partnerships to restore and protect fish and wildlife habitat while improving water quality in the Chesapeake Bay, Great Lakes, and Long Island Sound. Federal partners in the programs include EPA, Department of Interior agencies, Forest Service, USDA's Natural Resources Conservation Service, NOAA, and others. The Foundation leveraged various federal funds for these partnerships but, more importantly, attracted private contributions from

corporations and other private foundations. We are employing a similar model to develop a partnership and target financial resources in Puget Sound. The Foundation's watershed grant programs continued positive results in 2009 with priority project requests far exceeding available funds.

#### **Youth in Natural Resources**

The Department of Interior's FY 2011 budget request includes \$2 million, split between FWS and BLM, for the Foundation to establish a competitive grant program for youth conservation job programs. With the movement of Americans to urban areas and more indoor recreational pursuits, America's youth are developing a gap in their knowledge of fish and wildlife and the need for natural resource conservation. This gap poses a serious threat to the future of the wildlife conservation. **Through this unique initiative, local organizations will develop employment programs that foster a conservation ethic, expose youth to career opportunities in the conservation community, and ultimately cultivate future generations of wildlife professionals.**

The Foundation will work with FWS and BLM to develop a public-private partnership by leveraging the Federal funding with at least an equal amount of privately financed contributions. Funds will be awarded to Refuges, Fish Hatcheries, Friends groups, BLM field offices, Youth Conservation Corps, non-governmental organizations and others who seek to develop innovative conservation employment opportunities for youth. Wildlife habitat conservation education will be an integral aspect of this grant program and the Foundation will partner with the Department of the Interior's National Conservation Training Center to develop learning goals, curricula, and other training material that can be integrated into job programs.

We request that this new \$2m initiative for Youth in Natural Resources be funded above and beyond the Foundation's FY 2010 enacted levels for FWS and BLM, which were \$7.537 million and \$3 million, respectively.

#### **Conclusion**

NFWF has a 25-year history with the Department of Interior and has been successful in bringing together public and private partners to build strategic partnerships to address the most significant threats to fish and wildlife populations and their habitats. The Foundation has partnerships with 14 federal agencies and more than 50 corporations and private foundations. We have a successful model of coordinating and leveraging federal funds and attracting support from the private sector to form public-private partnerships for fish and wildlife conservation.

We are working directly with the federal agencies and our other partners to maximize results and produce sustainable conservation outcomes. To that end, the Foundation is incorporating monitoring and evaluation into our programs to measure progress, promote adaptive management, demonstrate results, and continuously learn from project investments. We look forward to building on our partnerships with FWS, BLM and FS in FY 2011 and appreciate the Subcommittee's continued support of these collaborative efforts.

**Background on National Fish and Wildlife Foundation**

As of FY 2009, the Foundation has awarded nearly 10,500 grants to more than 3,000 national and community-based organizations through successful partnerships with the Department of Interior Agencies, USDA's Forest Service and Natural Resources Conservation Service, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and others. This collaborative model brings together multiple federal agencies with state, tribal and local governments and private organizations to implement coordinated conservation strategies in all 50 states.

The Foundation's grant-making involves a thorough internal and external review process. Peer reviews involve federal and state agencies, affected industry, non-profit organizations, and academics. Grants are also reviewed by the Foundation's issue experts, as well as evaluation staff, before being recommended to the Board of Directors for approval. In addition, according to our Congressional Charter, the Foundation provides a 30-day notification to the Members of Congress for the congressional district and state in which a grant will be funded, prior to making a funding decision.

Mr. Chairman, we greatly appreciate your continued support and hope the Subcommittee will approve funding for the Foundation in FY 2011.



**Committee on Appropriation, Subcommittee on Interior, Environment & Related Agencies**  
**Recommendation for FY 2011 Funding**  
**Submitted March 19, 2010 by Associate Professor Will Focht**  
**President, National Institutes for Water Resources, and**  
**Director, Oklahoma Water Resources Research Institute, Oklahoma State University**

Mr. Chairman, thank you for this opportunity to provide a statement in support of funding programs authorized under the Water Resources Research Act (42 U.S.C. 10301 et seq.), which Congress unanimously reauthorized in 2006 in Public Law 109-471. The Act authorizes a program of grants through fiscal year 2011 to the Nation's 54 State and Territorial water resources research institutes for research, education, and outreach focused on water supply improvement. The National Institutes for Water Resources (NIWR) respectfully recommends an appropriation of \$8,800,000 in the FY 2011 U.S. Geological Survey (USGS) budget for the Water Resources Research Institute Program (the Act authorizes an appropriation of \$18,000,000.) These funds will be allocated as follows:

- \$7,000,000 for competitive water supply research seed grants, technology transfer, professional education, and outreach to the water-user community by the Institutes (\$125,000 per institute);
- \$1,500,000 to support the national competitive research grants program; and
- \$300,000 for program administration by the USGS.

**Urgency of Water Supply Improvement**

Two National Research Council (NRC) reports ("Envisioning the Agenda for Water Resources Research in the Twenty-First Century" in 2001 and "Confronting the Nation's Water Problems: The Role of Research" in 2004) thoroughly examined the urgency and complexity of water resources issues facing the U.S. The following challenges are cited as reasons for these studies:

- Abundant evidence demonstrates that the condition of water resources is deteriorating in many parts of the U.S.;
- Demand for water resources to support population and economic growth continue to increase, although water supplies to support this growth are fully allocated in most areas;
- In some areas, the availability of sufficient water to service growing domestic uses is in doubt, as is the future sufficiency of water to support agriculture in an increasingly competitive and globalizing agricultural economy;
- Repair of the aging water infrastructure will require hundreds of billions of dollars;
- The frequency and magnitude of damages attributable to droughts and floods are increasing, providing evidence of increasing vulnerability to extreme climate and weather events;

- The threat of waterborne disease remains, as exemplified by outbreaks of cryptosporidium, as well as chronic exposure to agricultural contaminants such as nitrates and pesticides; and
- Resource management institutions have limited capacity to manage aquatic habitats to improve species diversity and provide ecosystem services, while also meeting human needs.

These reports identify 43 areas where the need for improved water resources management is critical. The following examples highlight the importance of increasing our understanding of the interdependence of water quantity and quality; the balance between human and ecological water uses; and the legal, institutional, and social factors that contribute to sustainable water resources management.

- Improvement of existing supply enhancing technologies such as wastewater treatment, desalinization, and groundwater banking
- Understanding of the impact of land use changes and best management practices on pollutant loading to waters, ecosystem services, and biodiversity
- Understanding and prediction of the frequency and causes of floods and droughts
- Understanding of global climate change and associated hydrologic impacts
- Development of more efficient water use strategies and optimization of the economic return for the water use in all sectors
- Development of legal regimes that promote conjunctive use of surface and ground water
- Development of adaptive management as the best approach to water resources management
- Understanding of the role of the private sector in achieving efficient water services
- Development and evaluation of alternative processes for stakeholder participation in the formulation and implementation of water policies and plans

#### **Justification for Federal Funding of Water Resources Research**

Reasons for Federal support of water resources research are:

1. Authorized by Congress in 1964 the Institutes conduct "research that fosters (A) improvements in water supply reliability; (B) the exploration of new ideas that (i) address water problems; or (ii) expand understanding of water and water-related phenomena; (C) the entry of new research scientists, engineers, and technicians into water resources fields; and (D) the dissemination of research results to water managers and the public."
2. Water resources are defined not by State boundaries but by physical geography. What happens to surface and ground waters in upstream States affects water availability and quality in downstream States. Federal support of water research can more effectively address interstate water resource management challenges than can individual States.
3. Most water problems faced by a State are shared by many States. Federally funded research allows an efficient, non-duplicative, and comprehensive approach to these problems.
4. The Federal government already plays a significant role in water resource management through its water quality regulations administered by the Environmental Protection Agency as well as water management programs administered by the U.S. Army Corps of Engineers and Bureau of Reclamation.
5. The water resource research Institutes leverage federal funds to obtain at least two non-federal dollars for each federal dollar. Thus, the Federal appropriation results in a larger pool of research funding. Without this leverage, research support would decrease by far more

than the Federal funds allocated. In Oklahoma, for example, Federal research dollars are matched with State dollars to sponsor research totaling \$750,000 over five years in support of the State's comprehensive water planning process. This Federal/State/university effort would not exist without the funding from the Water Resources Research Act.

6. The national competitive research program authorized under the Act provides Federal grants that focus on regional and interstate water resources problems beyond those affecting single States, which must also be matched dollar-for-dollar with non-federal funds. By continuing and enhancing these collaborative efforts, Institutes can better address critical issues on long-term water planning and supply that exceed the resources of any one State.
7. Federal support of water research, outreach, and education is consistent with the concept of water as a public good. As such, State and local governments and private entities cannot produce as much as can be justified by the overall value of the resource.

#### **Institutes Conduct Applied Water Research Tailored to State and Regional Priorities**

Our Institutes are uniquely positioned to conduct water resources research in several ways.

- Institutes are *not limited by a policy-driven or regulatory mission* and thus can address the entire spectrum of water resources issues, including gaps between government agencies. By focusing on science, the program serves as an *objective broker* of information among a wide range of constituencies.
- Institutes examine *long-term consequences* of policies and recognizing long-term problems across all water-related disciplines.
- Institutes are more *flexible* in addressing emerging problems and more *adaptable* to local cultures, institutions of governance, and regional socio-economic and physical conditions.
- Institutes and academic researchers are more likely than mission-driven agencies to consider *institutional, in addition to technical, solutions*.
- Institutes provide hands-on *educational opportunities* to develop the *highly trained workforce* necessary to build national capacity for sustainable water resource management.
- *Technology transfer* programs at each Institute provide scientifically credible communication of research needs and results *upward* from the states and localities to federal agencies and *downward* from these agencies to users of research results.
- Institutes are *experienced in assessing priorities* for research through advisory boards with representatives from virtually all interested agencies and non-governmental organizations.
- Institutes provide information to increase the *efficiency* of federal water resources research investment by identifying research gaps and avoiding redundancies.
- Institutes fill research gaps to improve the *effectiveness* of water resources management.
- Institutes are held accountable for expenditures as well as for the quality and relevance of scientific results and the vigor of outreach programs via a triennial *quality-review process*.
- NIWR is an *established network* of immense and geographically diverse capabilities on the cutting edge of virtually every facet of water resources. The network facilitates *regional* as well as State and local cooperation.
- Institutes operate their competitive research programs through a *single computerized research management system* managed by NIWR and the USGS. There is no other comparable avenue for such multidirectional coordination and communication.

- Institutes have direct access to expertise in the many disciplines related to water resources. Institutes are uniquely positioned to address the *interdisciplinary challenges* of sustaining the reliability of water supplies in the face of new challenges and uncertainties. For 44 years, Institutes have conducted independent, objective, and scientifically credible research that links science to innovative and cost-effective policies.

#### **Conclusion**

The activities authorized under the Water Resources Research Act are high quality, cost efficient, relevant, and needed.

Quality: In both the state and national research programs, projects are selected for funding on a competitive basis, relying on the reviews of peer scientists, economists, and engineers. The performance of each Institute is evaluated every three years by an independent, USGS-appointed panel. The most recent USGS evaluation report stated, “The vast majority of institutes are strong and thriving and a significant subset is very strong and distinguished ...*the institute program, with its federal-state matching requirement, is an important and significant part of the nation’s water resources research infrastructure.*”

Efficiency: The water Institutes must match each federal dollar from their base grants with two non-federal dollars. *This is the highest match requirement of any federal research program.* The national competitive grants program requires a 1:1 match. The leveraging ratio for the Institutes, counting funding from all sources, was nearly 14:1 in FY 2009: \$6.3 million translated into \$86.4 million of research, education and information transfer. Only 8.1% of our expenditures are dedicated to administrative overhead, which is quite frugal.

Activity Relevance: Congress was quite deliberate in directing the establishment of water Institutes at land grant universities because they specialize in identifying problems within their states, developing practical solutions, and conducting technology transfer. The Act requires that Institutes’ consult with panels of external advisors representing the water interests in their States. Regional and national priorities are addressed when the Institutes collaborate on larger projects or conduct research under the national competitive grants program.

Need: Congressional designation of water resources research institutes as focal points of water investigation and outreach enable the Institutes to exist and leverage Federal funding against funding from non-federal sources. It is likely that 30% of the Institutes would cease operation without the Federal funding authorized by the Water Resources Research Act. Others would greatly curtail activity. In many States, it is doubtful that the university system would be such a strong contributor to the water resources knowledge base without the leverage power of the “seed money” provided by Congress.

The investments the Subcommittee makes in the USGS and its programs underpin responsible natural resource stewardship and contribute to the long-term health, security, and prosperity of the Nation. Together, the Survey and the Institutes address critical public needs and are a reasonable priority within an appropriations bill. We urge you to provide \$8,800,000 for the Water Resources Research Act program for the upcoming fiscal year.

Mr. Chairman, the member directors of the National Institutes for Water Resources appreciate the strong support this Subcommittee has given to the Water Resources Research Act program and the USGS. I hope that the Nation’s water resource research Institutes have earned your continued confidence. The Institute directors are ready to work with you and other stakeholders to address the water challenges we face through competent and timely applied research, education, professional training, technology transfer, and information exchange.



**STATEMENT FOR THE RECORD**  
**NATIONAL MINING ASSOCIATION (NMA)**  
**HOUSE COMMITTEE ON APPROPRIATIONS**  
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**  
**MARCH 19, 2010**  
**FISCAL YEAR (FY) 2011 PROGRAMS**

**NMA RECOMMENDATIONS:**

**DEPARTMENT OF THE INTERIOR**

- U.S. Geological Survey (USGS) – Mineral Resources Program (MRP). Fund the MRP at least \$24 million and reject any proposed cuts to the Minerals Information Team.
- Bureau of Land Management (BLM) – Mining Law Administration. Increase funding for the mining law administration program to \$38 million.
- Office of Surface Mining. Reverse the administration's 15 percent cut to state Surface Mining Control and SMCRA regulatory Title V programs.

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

- NMA opposes EPA's use of the FY2011 budget to finalize greenhouse gas regulations for motor vehicles and proposing and finalizing specific sources standards for all sources of greenhouse gas emissions.
- Superfund Taxes. NMA opposes reinstating the long-expired corporate environmental income tax and the revival of the excise tax on domestic crude oil, imported petroleum products and certain chemicals.

**DEPARTMENT OF THE INTERIOR**

**Mineral Resources Program – Minerals Information Team:**

The United States Geological Survey (USGS) is the source for the majority of the United States' statistical data on mining and mineral commodities. The collection, analysis and dissemination of this information is a federal responsibility that cannot be duplicated in either the private sector or by other levels of government and is in fact mandated by the Defense Production Act of 1950, as amended in 1980 and 1992. The Mineral Resource Program's Mineral Information Team (MIT) within the USGS is the leading source of unbiased research on the nation's mineral resources. The guidance and research the program provides is vital in maintaining the growing value of processed materials from mineral resources that accounted for \$454 billion in the U.S. economy in 2009, as well as assessing the environmental impacts of mining. The statistical and analytical information provided by the Mineral Resource Program MIT provides the basis for informed policy decisions and is extensively used by government agencies, members of Congress, state and local governments, as well as industry, academia and nongovernmental organizations. Collection of this information provides a fundamental service to the nation. Specifically, the U.S. Federal Reserve Board uses the data for calculating the nation's leading economic indicators; the U.S. Department of Commerce's Bureau of Industry and Security uses the data and analysis to resolve trade disputes; the Federal Reserve Board uses global minerals

information to prepare economic forecasts; and U.S. intelligence agencies use the data to understand the effect changes in natural resource markets have on economic and political stability of developing countries. Mineral resource supply and demand issues are global in nature, and our nation is becoming more dependent upon foreign sources to meet our metals and minerals requirements. For example, the U.S. has become more than 50 percent reliant on 38 of the 81 mineral commodities essential to the economy and 100 percent reliant on 19 of those commodities.

In real terms, the MIT has been severely constrained by an ever decreasing budget (a more than 30 percent decline) since 1996 when the mineral assessment group was incorporated in to the USGS. In order to restore its budget to levels intended when the group was moved to the USGS more than a decade ago, the Mineral Resource Program's MIT would need to be funded at \$24 million. NMA encourages full funding for this important program.

**Mining Law Administration Program:**

The Bureau of Land Management's (BLM) Mining Law Administration Program (MLAP) is facing ever-growing responsibilities and obligations to process notices and plans of operations necessary for domestic exploration and mining projects. While NMA supports the administration's request for \$36 million in funding, we feel that additional funding is imperative to lessen the backlog of notices and plans of operations. NMA recognizes and appreciates that the Subcommittee increased MLAP funding in FY2010 and encourages them to further increase the MLAP by an additional \$2 million in FY2011.

The number of mining claims filed over the past several years has increased by more than 600 percent. In 2002, only 15,407 new mining claims were filed as compared to 92,284 in 2007. During the same time frame, the number of full time equivalent (FTE) employees assigned to the program fell from 359 to 298. Additional staffing and other resources are necessary in order to process the notices and plans of operations required for expanding our domestic mineral supplies. Delays in obtaining permits and other authorizations remains a substantial impediment to the financing and development of mining projects in the United States. According to Behre Dolbear, the U.S. ranks among the lowest of the top 25 mining nations in terms of time and expense for obtaining required permits for mineral exploration and development. Permitting delays discourage companies from exploring in the U.S. and impair the ability to attract the capital investment required for mine development. In short, investment capital flows to where investors will experience a quicker return on their investment.

In a 2005 report to Congress, BLM identified insufficient staffing as one cause of permitting delays, noting that many BLM offices were not backfilling positions as they were vacated. BLM recommended that a portion of the increased location and maintenance fees could be used to maintain adequate staffing levels needed to review, analyze and approve plans of operations. NMA agrees that the increased location and maintenance fees should be used to address MLAP budget needs.

To address this regulatory bottleneck that impairs our nation's economic growth and security,

NMA provides the following recommendation: a portion of the location and maintenance fees collected that exceed the MLAP budget should be dedicated to the MLAP instead of being deposited to the General Fund. In 2007, the amount collected from such fees exceeded the budgeted amount by more than \$24 million. Such funds would allow the hiring by BLM state offices of approximately 100 FTEs to allow either backfilling of currently vacated positions or new hires. Additionally, allocation of funds to the state offices should be prioritized based on the number of notices and plans filed in each office and current unfilled openings in MLAP.

**Office of Surface Mining – State regulation and abandoned mine land program:**

NMA objects to the administration's proposed cuts in funding for state programs under Title V of SMCRA to regulate, inspect and issue permits for surface coal mining operations in primacy states.

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

NMA opposes the FY2011 budget request as it pertains to EPA's usurping the power of Congress to address Greenhouse Gas Emissions (GHGs) under the existing Clean Air Act (CAA). While we are committed to playing a constructive role in the development and adoption of policy measures and technologies to address global climate change concerns, we believe those policy decisions fall within the purview of our elected representatives in Congress and not EPA.

EPA should not be able to utilize FY 2011 funds to conduct rulemakings that stem from EPA's Dec. 15, 2009 *Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act*. The finding automatically triggers requirements for all sectors of the economy under the CAA's Prevention of Significant Deterioration (PSD) permitting program. As such, the legal and regulatory implications of the endangerment finding and a final motor vehicle rule extend far beyond the motor vehicle sector. At the time the motor vehicle regulations become effective, PSD and Title V permitting requirements will automatically be triggered for major stationary sources of GHG emissions. Also, entities contemplating construction of new sources or modifications to existing sources that will be required to analyze and install undefined Best Available Control Technology (BACT) to limit those emissions.

EPA should not be able to use FY 2011 for such rulemakings as:

- finalizing GHG regulations for motor vehicles; or
- proposing and finalizing specific sources standards for all sources of greenhouse gas emissions.

**Superfund Taxes:**

NMA opposes reinstating the long-expired corporate environmental income tax and revival of the excise tax on domestic crude oil, imported petroleum products and certain chemicals.

Superfund taxes were originally enacted under the “polluter pays” principle. However, companies that formerly paid the taxes continue to fund the cleanup of most of the sites on the National Priorities List (NPL). The only NPL cleanups that EPA actually pays for are those with no viable potentially responsible parties (i.e., orphan sites). Instead, the Superfund should run on appropriations from general revenues. Superfund taxes have never controlled or determined the amount of EPA spending for the Superfund program. The total amount of EPA spending for the Superfund program is determined by Congress each year through the appropriations process. The majority of funds appropriated for the Superfund cleanup program are not being spent on cleaning up NPL sites.

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*The National Mining Association (NMA) is the voice of the American mining industry in Washington, D.C. Membership includes more than 325 corporations involved in all aspects of coal and solid minerals production including coal, metal and industrial mineral producers, mineral processors, equipment manufacturers, state mining associations, bulk transporters, engineering firms, consultants, financial institutions and other companies that supply goods and services to the mining industry.*

**Statement of  
National Parks and Hospitality Association Before the  
Subcommittee on Interior, Environment and Related Agencies  
Committee on Appropriations, U.S. House of Representatives  
Regarding the FY 2011 Budget for the National Park Service**

Mr. Chairman and Members, the National Parks and Hospitality Association (NPHA) offers this testimony regarding the FY'11 budget for the National Park Service. First, Mr. Chairman, we welcome you in your new position at the helm of this important subcommittee. We look forward to your leadership as Chairman and the opportunity to work with you, your Ranking Member, Mr. Simpson, and now-Vice Chairman Dicks, in addressing challenges and opportunities for the National Park Service and other agencies.

Concessioners have served park visitors since the 1870's and today serve some 100 million park visitors annually in approximately 160 park units. NPHA members have a combined workforce of nearly 25,000 persons – mostly front-line, visitor contact jobs – and provide in excess of \$1 billion in goods and services to visitors annually. Franchise payments to NPS are some \$70 million annually, or about the total sum raised annually by the National Park Foundation and all members of the Friends Alliance combined. Concessioner marketing and promotion efforts total more than \$10 million, and are coordinated with the marketing and promotion efforts of state and gateway communities that equal that amount. Concessioners are leading efforts to find ways to focus promotion on the national park system and those Americans unaware of the great benefits available through time in our parks rather than on specific parks and services and traditional park visitors. Most importantly, concessioners are committed to contributing to America's needs – needs for healthier lifestyles, for better and lifelong educational opportunities, for strong local and regional economies that can sustain and protect our parks and for connecting all Americans across differences in regions, ages, income and ethnicity.

The National Park Service faces a daunting challenge in addressing a long list of restoration and maintenance needs affecting many if not most NPS units. This challenge is compounded by the need to respond to a growing federal deficit, to adapt to the impacts of climate change and other environmental concerns affecting the parks, and the impending National Park centennial which, I'm sure you would agree, should be a time to showcase "America's Best Idea," as proclaimed by in Ken Burns' documentary.

To add to these challenges, the portion of Americans visiting national parks has been declining for several decades, particularly among younger Americans who are choosing video screens and tweeting or texting friends or searching the web over time enjoying active outdoor fun in America's treasured landscapes. A recent study by the Kaiser Family Foundation indicated that, on average, America's youth now spends 7.5 hours each day watching a screen or monitor. No wonder the nation's youth are increasingly obese and at risk of Type II diabetes due to poor nutrition and a lack of exercise!

Our national parks are a wonderful shared legacy. Yet today, not all Americans share equally in this legacy and a declining proportion of the entire American public actually spends time in our parks. Even as the US population has grown by 25% since the late 1980's, and the number of park units has grown to nearly 400, the number of park visitors has declined – a decline actually masked in part by increases in international visitors.

Connecting Americans to their parks is an important goal with numerous benefits – including improved health, more widespread public appreciation for the environment, economic stability for many gateway communities and a better understanding of our nation’s history. To achieve this connection, the National Park Service and its partners – including concessioners – need to undertake new outreach and marketing efforts. The efforts would not be based on advertising – as if we were selling a car or a theme park. But the efforts should include outreach to schools and to families with children and greatly improved information on the internet. In fact, Secretary Salazar undertook a major outreach and marketing effort last year, creating three fee-free weekends at national parks and we have been advised that national parks will also be free April 17-25, 2010.

Mr. Chairman, we seek your help on two important opportunities. First, to promote expanded visitation to the Parks and encourage more outdoor recreation and learning associated with visits to NPS units, we suggest two alternatives to fund park outreach and marketing initiatives. Second, to help the Park Service address its facilities and infrastructure needs, we encourage partnership-based development of grand, state of the art, and enduring visitor facilities for the next century of park operations.

We believe that the National Park Service should undertake expanded, system-wide outreach and marketing efforts – especially directed to urban Americans, Americans of color, new Americans and other portions of the American public with limited traditions of park visitation. To facilitate this, we offer the following suggestions.

One option would be to provide the agency with authority to utilize up to 10% of the franchise fees paid by national park concessioners annually to support NPS outreach and marketing efforts, including efforts in partnership with states, gateway communities and concessioners. Had such authority existed in the current fiscal year, it could have been utilized to offset the significant loss of entrance fee collections at specific national park units from the fee-free weekends – in some cases exacerbated by higher visitor numbers and a resulting increase in operational costs to the park.

Most concessioner franchise fees are retained in the park generating those fees – 80% of some \$70 million annually funds operations locally. The remaining 20% are used at the discretion of the NPS Director. We urge you to commit half of this remainder – 10% of the total franchise fees paid or nearly \$7 million annually – to a new National Park Outreach and Promotion Fund. To do so, we suggest adding the following language to the FY2011 Interior Appropriations legislation or its accompanying report:

**"Up to 10% of the concessioner franchise fees collected by the agency each year may be used to support agency outreach and marketing programs designed to connect all Americans to their parks, and especially those portions of the American public under-represented among current park visitors. Nothing in this provision, however, shall authorize any change in the use of concessioner franchise fees retained by the park generating the fees."**

Alternatively, or perhaps additionally, we suggest dedicating 10% of the receipts from annual sales of the America the Beautiful Pass by non-federal vendors to a matching fund to support park promotion efforts. Sales of the annual pass, permitting access to virtually all federal recreation sites for 12 months, should be a major component of promotion efforts. Holders of passes can be reached to communicate opportunities in parks – and

because they can enter any park without paying an entrance fee they are likely to be interested in learning more about when and where they can add to their park experiences.

Current annual park pass sales are limited, but a new promotion coalition can boost sales significantly, adding substantially to the current \$175 million in park fees collected annually. If these funds could be used on a 50-50 matching basis with resources from private sources such as non-profit and philanthropic organizations, concessioners and other private interests, then the NPS could double its money and greatly expand outreach to minorities and other underserved communities, young adults, families with children, and the ever expanding number of older Americans with grandchildren. This effort would be good for gateway communities, generating jobs and added income, and could help to expand interest and awareness among a generation of Americans who, without this promotion, are likely to remain unaware of this wonderful legacy of National Parks. If successful, this effort could reverse recent trends in Park visitation and help generate additional income to support the parks and improve facilities and visitor services.

To implement this alternative, we suggest adding the following language to the FY2011 Interior Appropriations legislation or its accompanying report:

**"Up to 10% of the annual receipts from the sale of the America the Beautiful Pass by non-federal vendors shall be used to match contributions from private sources on an equal basis to support agency outreach and marketing programs designed to connect all Americans to their parks, and especially those portions of the American public under-represented among current park visitors."**

In addition, we urge you to include one additional provision in the FY2011 Interior Appropriations legislation, or its accompanying report. Visitors to our parks today benefit from grand, enduring structures, many predating the creation of the National Park Service in 1916. Unique architecture and quality construction mark structures like the Ahwahnee and El Tovar Hotels, lodges in Glacier and Yellowstone and many more historic structures that help make 21<sup>st</sup> Century park visits lifelong memories. Yet not all visitor structures in our parks are grand, or even park-appropriate. Many of those constructed mid-20th century are quite unremarkable, are costly to operate and produce inferior visitor experiences. These structures fail to meet expectations of the Congress, the agency, concessioners and the public that our parks should serve as outstanding examples of design in harmony with nature.

We believe that one of the greatest opportunities associated with the upcoming 100<sup>th</sup> anniversary of the National Park Service can and should be a limited number of new structures that, even in 2116, will still demonstrate national park-appropriate design and operations. This would mean quality design and materials, meeting LEED and ADA design requirements. The resulting structures would minimize barriers to serving all Americans well while also achieving agency-espoused goals in energy efficiency, reducing water use, and other environmental objectives. The National Park Service has undertaken some important planning in this area, although much of the planning has focused on buildings which would be constructed with appropriated funds and used for visitor centers, offices and more. This base of knowledge, though, could be united with the knowledge of concessioners operating in the park and other companies to achieve truly outstanding results.

One example of recent innovative thinking and action which will serve visitors well for generations is found in Golden Gate National Recreation Area: the restoration of historic buildings at Fort Baker and addition of complementary structures to create the Lodge at the Golden Gate. Although not operated as a concession – primarily because the needed investment far exceeded that which could be justified under the maximum concession contract of 20 years – the Lodge offers an example of a NPS/private partner venture that serves public purposes extremely well. BRAC may allow conversion of several former military bases to new uses under NPS direction, using creative public/private agreements. For that reason, we urge you to consider adding the following language to the FY2011 Interior Appropriations legislation or its accompanying report:

**"In order to continue a tradition of grand, unique and enduring structures in our national parks during the second century of the National Park Service, the Secretary of the Interior shall assess current and needed visitor service infrastructure in the parks operated under concession contracts and shall submit to the Congress a report no later than June 1, 2011, identifying at least three and not more than ten sites where (1) current facilities are judged to be inferior and/or are in need of substantial capital investment and (2) there is interest in facility replacement or major renovation by one or more private interests with proven capabilities as concessioners in parks, or (3) there is a need for quality, enduring new facilities to meet needs identified in appropriate park planning documents and there is evidence of interest in investment in the facility by one or more private interests with proven capabilities as concessioners in parks.**

Mr. Chairman, I know you would agree that we need to get Americans back in touch with nature, engaged in physical activities and outdoor recreation, and connected to the magnificent culture, heritage and landscapes that are celebrated by our National Park System. We need to reach out to youth to encourage them to share in the wonder and enjoyment of our National Parks and discourage the increasingly sedentary lifestyles that are contributing to our health care crisis. We need to expand Park visitation to encourage minorities, disadvantaged communities, new Americans and urban residents to see their National Parks for themselves and to build a broader constituency for America's great outdoors. And, we need to find new and innovative ways to reinvest in the maintenance, restoration, and expansion of critical park infrastructure – much of which was built either by private investment when the National Parks were first created, or in conjunction with the work of the Civilian Conservation Corps more than half a century ago.

The National Park and Hospitality Association and the National Park concessioners want to help you, the National Park Service, and all Americans in achieving these objectives. As the 100<sup>th</sup> Anniversary of the National Park Service shines a light on America's Best Idea, we hope you will help us build on our longstanding partnership with the NPS to find new and innovative ways to improve the parks and create a new generation of Americans who share in the wonder of this amazing legacy.

We thank you for considering these requests.

Derrick A. Crandall, Counselor/National Park Hospitality Assoc./1225 New York Ave., NW, Suite 450/Washington, DC 20005/202-682-9530/ dcrandall@funoutdoors.com



Statement of Thomas C. Kiernan, President  
National Parks Conservation Association  
Subcommittee on Interior, Environment and Related Agencies  
House Committee on Appropriations,  
Regarding the Department of the Interior and Environment Appropriations Act, 2011

March 26, 2010

Mr. Chairman, Ranking Member Simpson and members of the Subcommittee, I am Tom Kiernan, President of the National Parks Conservation Association (NPCA). Since 1919, NPCA has been the leading voice in support of protecting and enhancing America's National Park System for past, present and future generations to be inspired by, to learn from and to enjoy. I am pleased to appear before you today on behalf of NPCA's more than 320,000 members to discuss the Administration's Fiscal Year 2011 budget request for the National Park Service and our own recommendations that support the stewardship, integrity, and health of our national parks.

On a personal note, my participation in today's hearing is bittersweet. On one hand, I am pleased to be back in this familiar room with the opportunity to greet a new chairman of the Subcommittee. We have enjoyed a candid and robust working relationship with your Subcommittee and staff from both sides of the aisle over the years, and that is something we value greatly. I am sure that will continue under your leadership, Mr. Chairman, and all of us at NPCA congratulate you and look forward to working with you. On the other hand, I am nostalgic because this is the last time I will testify before the Subcommittee as President of NPCA. After 12 years at NPCA's helm, I am returning with my family to our New Hampshire roots later this year.

I had thought I would leave NPCA optimistic and confident that the groundwork was well in place for setting the National Park System's financial house in order in time for its centennial celebration in 2016. Beginning in FY 2008, Congress and the White House began a critical process for restoring the Park Service's operations budget. With the park operations shortfall exceeding \$800 million each year, Congress and the Bush Administration began a concerted, 10-year effort to increase NPS operating funds in annual, sustained yearly increments of \$100 million plus inflation. The process was continued in FY 2009, and was sustained again when the Obama Administration submitted its FY 2010 budget. This infusion has enabled parks to re-hire thousands of needed resource protection, maintenance, and visitor services staff. Still, the financial shortfall facing the National Parks remains significant.

Although there is progress, the annual operations shortfall for the current year remains extremely high, at approximately \$580 million. In addition, the deferred maintenance backlog is still enormous at over \$9 billion – so large the Recovery Act investment reduced the size of the backlog by less than 10 percent. Finally, the National Park Service is still unable to complete and better manage many parks by acquiring private lands within them from willing sellers. At current rates of investment, it is likely to take more than a quarter century to acquire lands that comprise the \$2 billion land acquisition backlog at current levels of Land & Water Conservation Fund (LWCF) availability.

### **National Park Operations**

The President's budget request for FY 2011, if enacted, would mark the first time in four years the budget will add to the NPS operations shortfall rather than reduce it. It would mean an overall reduction in the NPS budget of \$22 million from the current level, including the absorption of \$32 million in fixed costs. Taking this path could ultimately return national parks to the days of visitor center closures, cuts in education offerings for school groups, and park rangers becoming an even more endangered species - this at a time when visitation to national parks has increased by 4% and in many units over 10%. Now is the time to put more rangers and trail crews on the ground to improve visitors' experiences and protect resources, not cut Park Service jobs. While failing to fund fixed costs this year would be a significant setback for the gains made in FY2008, FY2009, and FY 2010, three years of such budgeting would be disastrous.

NPSA strongly believes the operations trajectory begun in FY 2008—annual operations infusions of \$100 million plus fixed costs--carried forward in the budgets of two presidents, and recommended by the National Parks Second Century Commission, should continue. Operational funding is the life blood of the National Park System. The Park Service, as its name indicates, is a service organization. It served 280 million visitors last year, and needs people to protect resources, maintain facilities, and work with communities. By sustaining the commitment begun in FY 2008 to eliminate the shortfall, Congress can make the fundamental investments necessary to ensure the National Park System is well managed, park personnel are well trained, visitors are safe and well served, and park resources are protected. While three successive years of operations increases are indeed making a difference, this hard-won momentum will result in long-term gains only with a continuing commitment. We realize the subcommittee faces significant constraints this year. Nonetheless, we hope you will fully fund fixed costs while coming as close as possible to meeting the funding commitment to continue reducing the operations shortfall, and build on your important work of the last three years.

### **Deferred Maintenance Backlog**

At the start of FY 2009, the deferred maintenance backlog was an estimated \$9.2 billion. At current levels of investment, the backlog will continue to increase in perpetuity – indeed, over the last year the condition of the more than 70,000 park assets has deteriorated further, leaving a backlog now estimated at \$9.6 billion. Within this backlog are projects vital to the continued function of parks across the country and the health and safety of park staff and the visiting public. These “critical systems” include building roofs, plumbing and piping, safety systems, and the pavement on park roads. The first step should be investing an amount that slows the growth of the overall backlog and prioritizes the so-called critical systems deferred maintenance backlog. The critical systems backlog unrelated to roads currently stands at approximately \$2.3 billion. It is this subset that is both vital to the return to a healthy National Park System and presents an achievable goal by the centennial year.

Closely related to the backlog itself is the diminished capacity of the agency to move contracts for work through the bureaucracy. This problem has presented a challenge to Recovery Act efforts throughout the federal government and improvements have been made as a result, but close attention must be paid to the Park Service's capacity to deliver and manage large contracts.

More Park Service staff must be trained and certified for contracts management and additional staff must be added to streamline and oversee the contracting process. We strongly encourage the subcommittee to require the administration to provide a meaningful estimate of the amount of annual investment that would be necessary to, at a minimum, keep the backlog from continuing to grow.

#### **Acquiring In-Holdings**

With today's real estate prices at rock bottom, this is the ideal time for the Park Service to invest in the acquisition of critical in-holdings. Many key properties inside national parks are on the market and failure to buy these lands now means great opportunities will be lost; new land use disputes like those at Valley Forge, Zion, and many other park units are likely to develop. The Administration has pledged to return the LWCF to its full intended use, disbursing \$900 million in funds annually for conservation and land acquisition purposes. NPCA believes the national parks need substantial additional resources each year to acquire critical lands. While the need is greater, we are hopeful the subcommittee can come as close as possible to the administration's request, without going backwards on operations.

Funding aside, it is essential that the land appraisal system at Interior be fixed. During the prior administration, the Park Service's appraisal service was consolidated with other appraisal programs at Interior. Now the process is so dismal that land values are out of date by the time many appraisals are completed. An appraisal function within the Park Service that provides timely, accurate valuation of land should be reconstituted.

#### **Support for Public/Private Partnerships**

The process of joining philanthropic resources with federal funds in a planned, system-wide program has been a learning experience for both NPS and for many friends groups and other participating philanthropies. Originally targeted at \$100 million per year in philanthropic contributions matched against \$100 million in mandatory federal funds, the FY 2010 budget targeted \$25 million in discretionary matching federal. This year the administration has requested \$5 million for the program. We continue to believe such a public-private partnership is worthwhile, and believe the administration's request to be an indication that they agree. We would appreciate the opportunity to work with the subcommittee on how a public-private partnership of this kind might be maintained in the future. In the meantime, we ask for your assistance in breaking down barriers to partnerships, such as recent legal reinterpretations that require projects for which park "friends" organizations raise money to be opened to competition.

#### **Additional Critical Programs**

In addition to the priorities noted above, there are other on-going or emerging National Park Service programs that should be maintained, and in some cases expanded:

- ***Continued Support for Everglades, Great Lakes, and other ecosystem restoration efforts:*** Parks are not islands; they both represent vast landscapes and are affected by the health of the ecosystems that surround them. Ecosystem protection and restoration must be a priority, including specifically for the Everglades and Great Lakes. We continue to

support funding for those Comprehensive Everglades Restoration Plan projects authorized in WRDA, including Indian River Lagoon (\$22 million), Site One Impoundment (\$35 million), and Picayune Strand (\$40 million), but for FY 2011 we are particularly anxious that funding for the Modified Waters Delivery project be increased above the Administration request of \$8 million to the \$15 million range. Work on next steps cannot begin until ModWaters is completed. NPCA also urges the Subcommittee to support the same funding level as FY 2010 for the Great Lakes Restoration Initiative.

- ***Reinstate worthy programs:*** The President's budget recommended cuts at the expense of programs that preserve our country's heritage and improve trails for visitors. Funding should be restored for Save America's Treasures, Preserve America, and Challenge Cost Share grant programs.
- ***Expand important youth programs:*** We support an additional \$5.8 million proposed for youth programs. According to the National Park Service Director, 27 parks will establish or expand programs that provide educational experiences and employment opportunities for young people.

Mr. Chairman, as 2009 demonstrates, people from all walks of life are finding the parks to be affordable, family friendly destinations where their values are celebrated and their spirits renewed. Spending for the national parks is less than 1/10th of one percent of the federal budget. Shortchanging the parks provides little or no truly meaningful deficit reduction; it is in fact penny-wise and pound foolish since it can actually increase longer-term federal liabilities by delaying the cyclical maintenance that keeps assets from deteriorating to the point they need even more costly repairs.

The national parks are economic engines, creating jobs, commercial activity and financial stability in gateway communities across the land. Our studies, as well as the Interior Department's own estimates, show that national parks contribute nearly \$14 billion to local economies every year. Every dollar spent on national parks produces more than \$4 in economic value.

This year, many Americans watched THE NATIONAL PARKS, AMERICA'S BEST IDEA, a film by Ken Burns, on PBS. This film chronicles the birth of a movement to save important landmarks and vistas from Yellowstone to Gates of the Arctic, from Yosemite to Acadia, from the Everglades to Glacier Bay. It reminded all of us why we work so hard to protect and preserve these places and why so many visitors flock to them. We urge the subcommittee to continue to make a strong investment in our national parks. Now more than ever, the national parks need your support.

**Written Testimony of Lois G. Finkelman, Chair and Elizabeth S. Kessler, President  
on behalf of  
The National Recreation and Park Association  
Interior Appropriations Subcommittee  
Regarding Fiscal Year 2011 Appropriations  
March 19, 2010**

Thank you Chairman Moran, Ranking Member Simpson, and other honorable members of the subcommittee for this opportunity to submit written testimony on the Fiscal Year 2011 Appropriations bill.

The National Recreation and Park Association (NRPA) is a national, non-profit organization with a mission of advancing parks, recreation and environmental conservation efforts that enhance the quality of life for all people. There are more than 6,500 parks and recreation agencies throughout the country, a majority of which are members of NRPA. Through our network of more than 21,000 citizen and professional members we represent park and recreation departments in cities, counties, townships, special park districts, regional park authorities, and citizens concerned with ensuring close-to-home access to parks and recreation opportunities in their communities.

**As your subcommittee works to craft the Fiscal Year 2011 Appropriations bill, we request that you include \$175 million for the Land and Water Conservation Fund's State Assistance program (LWCF).**

**NRPA respectfully urges the subcommittee to invest in our local communities through park and community infrastructure as our nation perseveres through the present economic challenges. The subcommittee has the opportunity to make a worthwhile contribution to the economy through not only capital investment infrastructure projects on federal lands, but also investments in close-to-home parks and recreation infrastructure near population centers through LWCF State Assistance.**

With over 12 billion in unmet needs for LWCF State Assistance reported by states to the National Park Service, there is undoubtedly need for robust investment. Funding provided through LWCF State Assistance not only provides necessary community resources for outdoor recreation opportunities, community health resources, and environmental stewardship, it also stimulates state and local economies, and job creation. In fact, Governor Joe Machin of West Virginia notes, "*The Land and Water Conservation Fund grant program is one of the best ways we can be involved in the enrichment of West Virginia's communities for the future.*" It is obvious that LWCF funds are vital to many states and literally determine whether a local, regional, or state park is acquired or recreation facilities are developed for public use. The need for recreational resources has exponentially increased, but agencies are unable to meet the rising need.

### **LWCF State Assistance Stimulates Jobs Creation and Local Economies**

Close-to-home recreation has become increasingly important as a result of the current economic downturn. The National Association of State Park Directors reports that America's state park system contributes \$20 billion to local and state economies. Additionally, The Outdoor Industry Association reports that recreation contributes \$730 billion annually to the U.S. economy, supporting 6.5 million jobs across the country. The uncertainty that is inherent to our current economic environment has resulted in increased use of state and local parks and recreational resources further enhancing the economic impact of park and recreation agencies.

LWCF State Assistance projects stimulate local economies by creating local jobs, generating visitor tax dollars for local economies, and employing full-time and part-time workers. Studies have shown that for every \$1 million invested in parks and recreation infrastructure, at least 20 jobs are created. To demonstrate the job creation ability of LWCF State Assistance state and local projects, the chart below was created from information received from the Virginia State Park Director, and the Arkansas State Outdoor Recreation Liaison Officer.

<b>LWCF State Assistance Funding Recipient</b>	<b>Award Date</b>	<b>Jobs Created/Saved</b>	<b>LWCF State Assistance Amount Awarded</b>
VA - Douthat State Park Cabin Project	Dec 3, 2008	80	\$163,026.00
VA - Douthat State Park Campgrounds	Sept. 1, 2009	100	\$497,520.00
AR - Rose City ball field construction and ADA access	Mar. 4, 2003	30	\$75,000.00
AR - Maumelle ball park development	Mar. 17, 2005	75	\$200,000.00
AR - Mena Five Clover-Leaf ball field development	Jul 21, 2005	75	\$125,000.00

### **LWCF State Assistance Impact on Local Communities**

LWCF State Assistance is a matching grant program that requires state and local governments to provide 50% in non-federal funds for the acquisition, development and redevelopment of parks and recreation resources. As a result of LWCF State Assistance funding, over 41,000 projects have been created in local communities. Since its inception in 1965, the program has provided almost \$4 billion in matching funds to states and local communities in 98% of American counties. The states, cities, counties, and towns that apply for and accept federal funding from the LWCF state assistance grant program agree to match the federal investment on a dollar for dollar basis, and often match significantly more than the federal share.

### **Public Health**

Congress created the LWCF State Assistance program "to strengthen the health and vitality of the citizens of the United States," and undoubtedly these projects are playing a critical role in battling our nation's obesity and "Type 2" diabetes epidemics. Several medical studies have shown that there is a strong correlation between proximity to recreational facilities and parks and physical activity. According to the Centers of Disease Control and Prevention, which estimates 65% of adults and 16% of children are overweight or obese, even small improvements in the lifestyles of Americans would yield marked health improvements. In fact, CDC notes that the creation of or enhanced access to places for physical activity led to a 25.6% increase in the percentage of people exercising on three or more days per week. Investing in programs such as the LWCF State Assistance program would provide a significant return on investment through the reduction in health care costs.

### **Environmental Benefits**

The LWCF State Assistance program not only meets important national goals and delivers tangible benefits to the American public by improving health, providing recreation opportunities to all Americans, and improving communities through economic development, it also significantly contributes to protecting our environment and promoting environmental stewardship. LWCF State Assistance projects have a historical record of contributing to reduced and delayed stormwater runoff volumes, enhanced groundwater recharge, stormwater pollutant reductions, reduced sewer overflow events, increased carbon sequestration, urban heat island mitigation and reduced energy demands, resulting in improved air quality, increased wildlife habitat, and increased land values on the local level.

### **LWCF State Assistance: Addressing National Issues on the Local Level**

*The following examples, provided by the National Park Service, paint a picture of a federal program, diverse in application and addressing national issues on the local level:*

#### **Focal Points of Close-to-Home access to Health and the Outdoors in Urban Areas**

In Coeur d'Alene, Idaho, Tubbs Hill Park received critical LWCF funding to help acquire and preserve a breathtaking urban forest. Today, this 135-acre forest in the middle of the city has a 2.2-mile loop trail, spectacular scenic vistas of Lake Coeur d'Alene and unparalleled access to close to home recreation in the heart of Coeur d'Alene. This park is a hub for community exercise and offered as an ideal healthy resource within the city. In this urban park, you commonly see osprey, common, and hooded mergansers, bald eagles, as well as pied-billed, eared, and western grebes.

#### **Economic Development and Community Benefits of Parks and Access to Recreation**

In Rapid City, South Dakota, a community park was built in a part of the community that did not have a public park. With the help of a LWCF grant and a matching grant from Rapid City, several developers donated money to build this community playground. Since the announcement of the park and playground project, three major housing developments have emerged in the surrounding neighborhood thereby generating additional tax revenue.

Environmental Stewardship and Conservation Projects Leverage Regional Impacts

In Ashburnham, MA, the Commonwealth of Massachusetts used \$450,000 in LWCF funds to leverage an additional \$675,000 to conserve 460 acres of forest lands along the New Hampshire border. The land provides public access for long-distance hiking, links conservation lands, protects the water quality of the Millers River, and preserves archaeologically sensitive sites once used by the “Harvard Shakers.”

Unfortunately, in recent years funding for LWCF State Assistance has been severely diminished leaving communities with lists of unfunded projects. However, in the past year we are seeing encouraging signs by the Obama Administration and Congress that LWCF state assistance is becoming a priority within the Interior budget. With Secretary of Interior Ken Salazar’s vision to fully fund LWCF at \$900 million by 2014, it is going to require significant and bold increases between now and 2014. With the over 12 billion in unmet need ready to be funded in our state and local communities, we believe our request for \$175 million for LWCF state assistance is entirely appropriate. Adjusting for inflation, the \$144 million that was appropriated to LWCF State Assistance in FY 2002 would today be \$175 million.

Mister Chairman and members of the subcommittee, parks and recreation agencies are not merely community amenities; they are essential services which are necessary for the economic and environmental vitality as well as physical wellness of communities throughout this country. By providing funding for LWCF which has proven itself invaluable to addressing national issues, Congress would be investing in the health and well-being of communities across this nation from the standpoint of economic recovery, environmental protection, as well as providing safe and affordable places for recreation. Because this investment has a positive impact on the economy in the areas of job creation local economic stimulation, now is the ideal time to invest into this program that has been dismantled over the past 8 years. The lack of required federal operations, maintenance, and staff funding of these state and local projects is yet another reason why investment is advantageous to American tax-payer.

Thank you for this opportunity to present testimony. Please feel free to contact Stacey Pine, Chief Government Affairs at 202-887-0290 or [spine@nrpa.org](mailto:spine@nrpa.org).



**Written Statement of Richard Moe, President -- The National Trust for Historic Preservation**

**House Appropriations Subcommittee on the Interior  
Hon. James P. Moran, Chairman  
March 2010**

I would like to urge the Subcommittee to take a fundamentally different approach from the President's FY 2011 Budget Request and maintain last year's funding levels for two key historic preservation programs, Save America's Treasures (SAT) at \$25 million and Preserve America (PA) at \$4.6 million, while providing adequate funding for State and Tribal Historic Preservation Officers that are the backbone of the national historic preservation program.

For more than 50 years, the National Trust has been helping to protect the nation's historic resources as a Congressionally chartered, private, nonprofit membership organization dedicated to protecting the irreplaceable. The Trust provides leadership, education, and advocacy to save America's diverse historic places and revitalize communities.

**Save America's Treasures**

SAT was established a decade ago to celebrate the millennium and highlight the importance of history in marking the 21st century. With broad bi-partisan support in Congress and the leadership of two First Ladies, initiated by the Clinton Administration and continued in the Bush Administration, SAT has provided \$294 million in federal grants to 1,132 projects in every state creating over 16,000 jobs and fostering local, and regional economic development. Project quality is assured through the National Park Service in partnership with the nation's major cultural agencies and a panel of preservation experts. The 2010 grant round was just announced and provides another \$25 million more to a few hundred additional projects across the country.

This grant program, included in the Historic Preservation Fund, is the largest source of federal money available to address the preservation and restoration needs of our nationally significant sites and collections. These competitive grants are critically important because they support small and large shovel-ready projects in every community with job-creation, local economic stimulus, and pride in our heritage nationwide. SAT funds have made a huge difference, but without Congress' ongoing commitment to the program, it would be virtually impossible to stimulate private matching contributions and hard to imagine where else the money would come from to preserve our national heritage.

SAT stimulates community support and economic development, generates public and private funds to preserve America's treasures, publicizes historic places, and educates the public about our country's unmet preservation needs. It works closely with the tourism sector to promote historic travel and economic development. According to the American Travel Industry Association, heritage tourism is one of the top reasons Americans give for leisure travel.

This very substantial contribution to the economy is made much more significant given the matching gifts SAT stimulates. Each dollar from Washington is matched one-for-one by non-federal contributions, leveraging at least another \$294 million on top of the initial federal outlays. Creative public/private partnerships are SAT's backbone and enable it to raise millions of additional dollars from foundations, corporations, and individuals. This has literally made the difference in saving hundreds of historic sites and collections around the country.

Because the required match is non-federal, SAT has leveraged support from state and local governments, as well. Commitment from the SAT program has been a critical tool in generating interest and support from states and localities for major grantees. For example, Pennsylvania has committed over \$750,000 to restore the Revolutionary War-era Winter Encampment buildings at Valley Forge after it received an SAT grant. Virginia also matched a \$162,500 federal SAT grant to Yorktown's Washington Tents project.

SAT helps preserve the best of America's legacy by benefiting some of our nation's most iconic places and collections, including:

- President Lincoln's Cottage (Washington, DC)- where Lincoln spent a quarter of his presidency and drafted the Emancipation Proclamation, it is the most significant site other than the White House in telling the story of our 16th President;
- Star-Spangled Banner, our national symbol and the flag that inspired our anthem;
- Dr. Martin Luther King, Jr.'s Ebenezer Baptist Church (Atlanta, GA), the platform that played a critical role in the shaping of King's voice and leadership quality;
- The Personal Papers of our Founding Fathers;
- Eleanor Roosevelt's home at Val-Kill (Hyde Park, NY), the only home this "First Lady of the World" considered her own and where she met with world leaders, campaigned for the creation of the United Nations, wrote her My Day columns, and grew as an individual and a leader;
- Thomas Edison's Invention Factory (West Orange, New Jersey), birthplace of American innovation from one of our nation's brightest minds;
- Apollo Space Program Artifacts;
- Mesa Verde Cliff Dwellings (Mesa Verde, CO), remnants of the thousand-year-old ancestral pueblo culture; and
- World Trade Center's last authentic 3-D architectural model and the "Last Column," both iconic remnants of the World Trade Center complex that will be central components of the upcoming National September 11th Memorial and Museum.

The SAT program is noted for its efforts and accomplishments. In 2007 the American Architectural Foundation honored SAT with its 2007 Keystone Award for, "...its extraordinary efforts to protect and preserve the architectural, artistic, and cultural legacy of the United States." This prestigious award is given annually to an organization or individual outside the profession in recognition of outstanding leadership in the fields of architecture and design. Also in 2007, the director of SAT was honored with the International Furnishings and Design Association's (IDFA) Trailblazer Award for "leadership of SAT's partnership with the design community." Over the past few years, IFDA and SAT have joined forces on several important projects, including Val Kill, the Sewall-Belmont House, the New Orleans Cemeteries, and most importantly, President Lincoln's Cottage.

### **Preserve America**

In existence since 2003, the Preserve America program complements SAT's bricks-and-mortar grant projects by helping local communities develop sustainable resource management strategies and sound business practices for the continued preservation and use of heritage assets. It supports planning, development, implementation, or enhancement of innovative activities and programs in heritage tourism. A 2009 report to Congress by the Advisory Council on Historic Preservation found that Preserve America is addressing many state and local heritage tourism needs with a relatively small federal investment and like SAT, the competitive grants require a dollar-for-dollar, non-federal match. More than \$20 million has been awarded to 259 projects throughout the country since the program began 2006.

The program also recognizes and designates communities that protect and celebrate their heritage, utilize their historic assets for economic development and community revitalization, and encourage education and heritage tourism.

Administered by the National Park Service, Preserve America matching grants to state and tribal historic preservation programs assist states and Indian tribes in carrying out the responsibilities required of them under the National Historic Preservation Act. The funding supports a range of activities, including the surveying and inventory of historic properties, local preservation programs, preservation education, and heritage tourism development.

### **State and Tribal Historic Preservation Officers**

Ruth Pierpont, President of National Conference of State Historic Preservation Officers and Deputy Commissioner, New York Department of Parks Recreation and Historic Preservation, said it best in her remarks before the Subcommittee, so I will not repeat them here. I reiterate her request and ask the subcommittee to fund State and Tribal Historic Preservation Officers adequately, because they are the backbone of the national historic preservation program.

The State and Tribal Historic Preservation Officers are the first line of review in preservation-based reinvestment programs that are essential to recovery of America's economy. Not only is the preservation of our past important for creating a sense of place and fostering community identity, it produces many economic benefits. Historic preservation creates jobs, attracts reinvestment in downtowns and Main Streets, supports affordable housing, nurtures small businesses, and increases local and state tax revenues. The federal historic tax credit is a prime example and State Historic Preservation Officers are fundamental to the efficient and successful implementation of this program.

The historic tax credit has spurred private investment on a 5 to 1 ratio and is a powerful job creation tool. Over \$50.82 billion in private investment has been leveraged from its inception in 1976 and each project approved by the Park Service creates, on average, 42 new and principally local jobs. Dollar for dollar, historic rehabilitation creates more jobs than most other investments. According to one study on the economic impacts of historic preservation,

“preservation’s benefits surpass those yielded by such alternative investments as infrastructure and new housing construction.”

**Conclusion:**

Save America’s Treasures, Preserve America, and the national historic preservation programs reflect the bipartisan commitment that has characterized preservation policy in Congress for years. Look at SAT as an example. It was created during a Democratic administration and embraced by the Bush White House and Congressional Republicans in the last administration. Likewise, PA was created during a Republican administration and is now supported by Members on both sides of the aisle. This is why these programs were authorized last March at a time when bipartisanship is sometimes an elusive quality.

These are days when federal funds for preservation are already scarce. I am extremely concerned about the Administration’s drastic proposal to eliminate funding for SAT and PA and level-fund the State Historic Preservation Officers. The White House’s Budget Request would deal a huge blow to the only major “bricks-and-mortar” preservation program in the nation today, jeopardize scores of preservation projects throughout the country, and mean that more of America’s heritage will almost certainly be lost. I urge you to keep SAT funded at last year’s level of \$25 million, PA at \$4.6 million, and provide additional funding so that State Historic Preservation Officers can have all the resources they need to do their jobs well. Please hold firm on Congress’ commitment to protect our history.

The National Trust looks to this coming fiscal year as a pivotal time in the direction of national historic preservation programs and policy. Budgets are thin, but more and more Americans are rediscovering nearby travel destinations that showcase their civic and cultural identity. At a time when visitors are going to historic and cultural destinations in record numbers, Congress must ensure the long-term stewardship of these resources through adequate funding for historic preservation. Reductions for historic preservation at the federal level and daunting state budget shortfalls in most states are challenging federal, state, and local preservation initiatives – and those who manage them – to their breaking point. It would be ironic for Congress to underfund core historic preservation programs at this time when they are most needed for jobs, investment, and a shared vision of our past.

Given the important historical and economic benefits of these truly bipartisan historic preservation programs, I respectfully request continued funding for the Save America’s Treasures and Preserve America programs, and adequate funding for State and Tribal Historic Preservation Officers as part of your FY 2011 Interior Appropriations Bill. This relatively small investment will stimulate local economies, educate young people, and help communities across the nation preserve our heritage for the betterment of future generations. Thank you for your consideration of this request.

WRITTEN TESTIMONY TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

March 19, 2010

Submitted By

The Native American Healing Through Horses Alliance

The Native American Healing Through Horses Alliance is an unincorporated association whose members consists of individuals who recognize the valuable role that horse-based therapy and wellness programs can play on reservations -- in terms of treating Indians with emotional and mental problems and teaching healthy living to Indian youth. We are pleased that the President has included \$1.25 million in his budget request for pilot programs to treat childhood obesity on Indian reservations. However, it appears that the program was put together by the physician-centric Indian Health Service, since it limits participation in the pilots to physician-led programs. We believe this will severely narrow the range of different approaches that could emerge from the pilots. For that reason, we urge Congress to appropriate the \$1.2 million requested for childhood obesity prevention programs but require that no less than 25% of the funds be granted to programs operated by health professionals other than physicians and 15% be granted to tribal or community-based organizations.

On Indian reservations, there is a need to try a broader range of approaches than those that will emerge solely from the perspectives of physicians. Childhood obesity is not primarily a medical condition but rather a behavioral health issue that needs to be addressed through, among other ways, the tribal community value system and Indian culture, along with direction, leadership and role models in and through the community, neither of which has ever been strong attributes of medical doctors on the reservations.

To provide an example of the benefits of thinking outside the physician's office, a group of Indian psychologists has begun using Equine Assisted Therapy to treat young Indians with emotional problems. Because of the strong cultural and spiritual ties between horses and Indians, horses have proven to be a very powerful tool for reaching young Indians in ways that standard psychological treatments are unable. In the words of one of those Indian psychologists, "I can make more progress with a young Indian with emotional problems during one hour in the horse arena than I can in six months in my office." IHS physicians have played no role in this effort and it never would have happened if it were dependent on IHS.

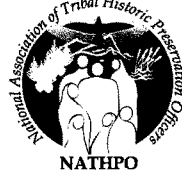
Programs based on Indian culture and horses are already being used to promote physical and mental wellness among Indian youth. For example, tribal organizations and volunteers on Indian reservations throughout the country have created programs in which young Indian boys and girls compete in "Indian warrior" events, in which they ride horses, run, and canoe. While these interventions are not physician prescribed programs per se, they are a clear opportunity for obesity prevention with greater potential for long term effectiveness because they are consistent with the culture of Native communities.

The other component of weight loss, in addition to exercise, is diet. Given the large percentage of Indians who rely on commodity food, the best medical advice in the world will have little impact if the commodity food program continues to provide food that contributes to obesity. As in the exercise area, there are intertribal and community groups working to change the commodity program. For example, the Intertribal Agriculture Council has been working to persuade USDA to switch from regular beef to either grass-fed beef or buffalo. Further, whether a family depends on commodity food or not, its diet, like its exercise regime, is determined largely by community values. If the obesity prevention campaign is to succeed, it will need to engage with the community, yet physicians are rarely the appropriate persons to carry out such engagements.

For these reasons, we strongly urge the Committee to appropriate the funds the Obama administration has requested for childhood obesity prevention, but that it direct in the report language that 25% of the funds be available for pilot projects operated by health professionals other than physicians and that an additional 15% be set aside for programs operated by community-based reservation organizations. It took the Indian Health Service far too many years to recognize the value of traditional Indian healing approaches, yet today it recognizes those approaches as important sources of healing on reservations, with hogans or other sites for Indian healing ceremonies built into new IHS facilities. If operation of childhood obesity prevention pilot programs is limited to physicians, it will be years before IHS will come to recognize the contributions that non-physicians, and particularly the traditional community values, can offer in the treating of childhood obesity. We cannot afford that wait. We therefore request that the language suggested below be incorporated into the appropriations bill or report language funding the childhood obesity prevention pilot program; to wit,

“Of the funds appropriated for the Childhood Obesity Prevention Pilot Program, 65% shall be awarded to physician-based programs, 25% to programs operated by other health professionals, and 15% to tribal or community-based organizations”.

Thank you for this opportunity to submit testimony on this matter.



NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS  
P.O. Box 19189 • Washington, D.C. 20036-9189 • Phone: (202) 628-8476 • Fax: (202) 628-2241 • [www.nathpo.org](http://www.nathpo.org)

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**Testimony to the House Interior Appropriations Subcommittee on the  
President's Fiscal Year 2011 Budget Request for  
Interior and Related Agencies - National Park Service (NPS)**

The National Association of Tribal Historic Preservation Officers (NATHPO) is pleased to submit testimony for the record to the House Appropriations Subcommittee on Interior and Related Agencies on the President's Fiscal Year 2011 Budget Request.

**The National Association of Tribal Historic Preservation Officers**

NATHPO is a national not-for-profit membership association of tribal governments that are committed to preserving, rejuvenating, and improving the status of tribal cultures and cultural practices by supporting Native languages, arts, dances, music, oral traditions, cultural properties, tribal museums and cultural centers, and tribal libraries. NATHPO assists tribal communities protect their cultural properties, whether they are naturally occurring in the landscape or are manmade structures. In addition to members who serve as the Tribal Historic Preservation Officer (THPO) for their respective tribe, our membership includes many other tribal government officials who support our mission and goals. NATHPO provides technical assistance, training, timely information, original research, and convenes a national meeting of tribal representatives, preservation experts, and federal agency officials.

**Priority Areas for Interior and Related Agencies:**

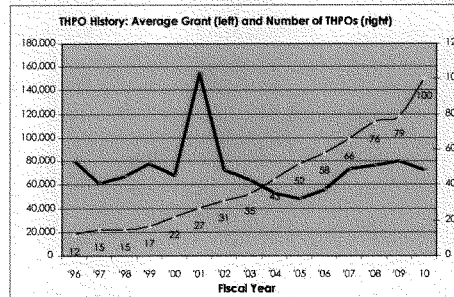
NATHPO is submitting comments in support of these priority areas (suggested dollar amount in parenthesis):

1. National Park Service, **Historic Preservation Fund, Tribal line item** (\$20 million)
2. National Park Service, **National NAGPRA Program, (1) Grants; and (2) Program** (\$2.331 million for Grants and \$1 million for Program/Alternative Use)
3. Implement Recommendations of the Makah-NATHPO report on "Federal Agency Compliance with the Native American Graves Protection and Repatriation Act," Department of the Interior, National Park Service, **National NAGPRA Program** and other Federal agencies
4. Department of the Interior-To conduct a **National Study** to examine the actual needs and challenges facing Indian country's cultural preservation

**Historic Preservation Fund (HPF) – Tribal line item:**

**Request \$20 million for the Tribal Line that supports both the THPOs and a tribal competitive grant program of important national needs in Indian country**

**THPO History: Average Grant (left) and Number of THPOs (right)**



As of March 15, 2010, there are 100 NPS-recognized THPOs in the lower 48 states. These Indian tribes have assumed the responsibilities of the State Historic Preservation Officers (SHPOs) for their respective tribal lands and have a land base exceeding 34 million acres spanning 28 states.

**What are Tribal Historic Preservation Officers?** Technically speaking, they are federally recognized tribal governments that have entered into an agreement with the Department of the Interior to assume the federal compliance role of the SHPO, as codified in 36 CFR Part 800. Thus, THPOs are actively involved with projects to improve Indian schools, roads, health clinics and housing. What are THPOs in a general sense? THPOs are the first responders when a sacred site is threatened, when an ancestral home is uncovered, and when Native ancestors are disturbed by development. They are also responsible for creating their tribe's oral history programs and operating tribal museums and cultural centers. They perform many functions and responsibilities in Indian country and they are an active expression and exercise of tribal sovereignty. For the past 10 years, these programs have become very popular and successful with tribal governments. For the first time, they are recognized as the authentic representatives of cultures and societies that have been in existence for countless generations.

**Historic Preservation Fund (HPF):** THPOs have assumed the same functions as SHPOs and have a crucial role implementing the NHPA. There are 100 THPOs in FY10, compared to only 12 in FY96 when the program was first funded by the HPF. Support for the Tribal line item has increased over the past 15 years, but the addition of THPOs each year keeps the average level of support per THPO suppressed at around \$75,000, barely enough to operate a program. The President's proposed \$8 million in FY11 will fall short in supporting current THPOs and the expected increase in the number of THPOs participating in the program. Note: In addition to THPO funding, a portion of the HPF Tribal line item goes to competitive tribal heritage grants.

**What is at Stake:**

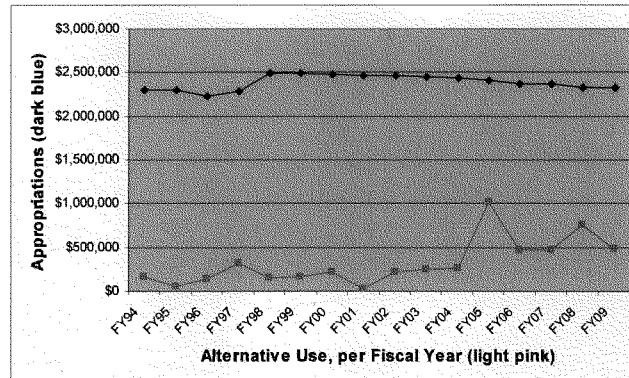
- **Without an increase in FY2011, Native American cultural properties located on millions of acres of tribal lands in the United States are at risk.** Each THPO program will be asked to perform important federal compliance work with fewer funds. It is essential that THPO programs be provided with adequate funding to meet the increasing needs and demands on their time to comply with federal, state, and tribal laws. Funding for THPO programs overall cannot remain static or decrease while the number of THPOs participating in the program continues to increase.



**National Park  
Service-Interior:**

**Native  
American  
Graves  
Protection and  
Repatriation Act  
(NAGPRA):**

- **Grants**
- **Program**  
("Alternative  
Use")



The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) provides for the disposition of Native American cultural items — human remains, funerary objects, sacred objects, and objects of cultural patrimony — removed from Federal or tribal lands, or in the possession or control of museums or federal agencies, to lineal descendants of Indian tribes or Native Hawaiian organizations based on cultural or geographic affiliation. NAGPRA also prohibits trafficking of Native American cultural items. The Secretary of the Interior has established and maintains the NAGPRA Review Committee to monitor and review the summary, inventory, and repatriation requirements of the Act.

**NAGPRA Grants Program – NATHPO Recommends for FY2011:**

- **\$2.331 million** to be used **exclusively** for NAGPRA Grants to Indian tribes, Native Hawaiian organizations, and museums. The maximum amount of funds to be awarded in grants to Indian tribes and museums must be a priority, especially as all parties work to implement the Final rule of 43 CFR 10.11 that goes into effect on May 14, 2010. One key provision of the new rule on the disposition of culturally unidentifiable is that a museum or Federal agency that is unable to prove right of possession to culturally unidentifiable human remains must offer to transfer control of the human remains to the appropriate Indian tribe/s and Native Hawaiian organization/s.
- **\$1 million**, additionally, for NAGPRA program administration, including the publication of Federal Register notices, grant administration, civil penalty investigations, and Review Committee costs.

The President's budget proposes a 25% reduction in NAGPRA Grants, although upon closer examination, no actual savings would be achieved. Rather, the overall amount of funds expected from the U.S. Congress remains level funded from FY2010 to FY2011 at \$2.331 million, but the NPS proposes to move \$581,000 – or 25% of \$2.331 million – via an "internal transfer or other non-policy/program change" to fund NPS "cultural resources/National Register programs." NATHPO understands that in these difficult fiscal times, austerity measures must be considered, but reducing grants to Indian tribes and museums severely impairs their ability to comply with NAGPRA while no actual federal savings will be realized.

**3. IMPLEMENT THE RECOMMENDATIONS OF THE 2008 MAKAH-NATHPO REPORT, "FEDERAL AGENCY IMPLEMENTATION OF THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT."**

In August 2008, the Makah Indian Tribe and NATHPO released the report, "Federal Agency Implementation of the Native American Graves Protection and Repatriation Act," which is the first ever study and analysis of how federal agencies are complying with the Act. Numerous newspaper stories covering the report's findings and recommendations have been published. The report's recommendations include these general recommendations:

- Knowledge of Process and Responsibilities (request and need for training at tribal and Federal levels)
- Access to Information (resource issue and cultural affiliation)
- Consultation (room for improvement)
- Available resources (fall short of what is needed)
- Standards (what format for Notice of Inventory Completion, what evidence for cultural affiliation, what constitutes tribal consultation)
- Training and Technology (challenges and solutions)

Specific recommendations in the report include:

- Statutory (amend Act for clarification)
- Regulatory (establish and Inter-Agency NAGPRA Implementation Council within Executive Branch to assure and coordinate compliance and related issues)
- Oversight and Enforcement of Statutory Requirements (provide training, publish NAGPRA contacts for Federal agency, demonstrate tribal consultation, improve the Culturally Unidentifiable Native American Inventories Database)
- General NAGPRA Program (improve data management and reporting)
- NAGPRA Review Committee (improve information sharing)
- Memoranda of Agreement or Programmatic Agreements (demonstrated effective practice)
- Adequate Funding for the Implementation of NAGPRA (for all stakeholders in the process)
- Compliance Audits (to be completed by the General Accountability Office)
- Future Research (evaluate museum compliance, examine Future Applicability – Section 10.13)

**4. DEPARTMENT OF THE INTERIOR: TO CONDUCT A NATIONAL STUDY TO EXAMINE THE ACTUAL NEEDS AND CHALLENGES FACING INDIAN COUNTRY'S CULTURAL PRESERVATION**

Indian tribes and Native Hawaiian organizations have been engaged in cultural preservation for thousands of years, yet it has only been in the past 20 years that the federal government has committed to working with Native people in preserving, protecting, and rejuvenating their cultures and lifeways. In 1990, the National Park Service, under NPS Director James Ridenour, conducted the first-ever national study -- with funds appropriated by the U.S. Congress -- directing the NPS to "report on the funding needs for the management, research, interpretation, protection, and development of sites of historical significance on Indian lands." NATHPO seeks to work with the NPS and other federal agencies in developing and conducting another such effort that could serve as a blueprint for future work, knowledge, and understanding (to conduct a national study to examine the actual needs and challenges facing Indian country's cultural preservation).

## National Cooperators' Coalition

### USGS Cooperative Fish and Wildlife Research Units

#### Sponsors

University of Arkansas  
University of Arizona  
Arizona Game and Fish Department  
Humboldt State University  
Colorado State University  
Colorado Division of Wildlife  
University of Florida  
Florida Fish and Wildlife Conservation  
Commission  
University of Georgia  
Georgia Department of Natural Resources  
University of Hawaii  
University of Idaho  
Idaho Department of Fish and Game  
Indiana Department of Natural Resources  
Purdue University  
Iowa State University  
Iowa Department of Natural Resources  
Louisiana State University  
Maine Department Inland Fisheries and  
Wildlife  
University of Maryland Eastern Shore  
University of Minnesota  
Minnesota Department Natural Resources  
University of Missouri  
Missouri Department of Conservation  
University of Montana  
Montana State University  
Montana Fish, Wildlife and Parks  
University of Nebraska  
Nebraska Game and Parks Commission  
University of Nevada, Reno  
New Mexico Department of Game and Fish  
New Mexico State University  
North Carolina State University  
North Carolina Wildlife Resources  
Commission  
Oklahoma Department of Wildlife  
Conservation  
Oklahoma State University  
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Clemson University  
Rutgers University  
South Dakota Department of Game, Fish  
and Parks  
South Dakota State University  
Tennessee Wildlife Resources Agency  
Texas Parks and Wildlife Department  
Texas Tech University  
Utah State University  
Virginia Tech University  
Vermont Fish and Wildlife Department  
Wisconsin Dept. Natural Resources  
University of Wisconsin—Madison  
Wyoming Game and Fish Department  
University of Wyoming  
Ducks Unlimited, Inc.  
Association of Fish and Wildlife Agencies  
Izaak Walton League of America  
Midwest Association of Fish and Wildlife  
Agencies  
Western Association of Fish and Wildlife  
Agencies  
National Association of University Fish and  
Wildlife Programs  
North American Grouse Partnership  
The Wildlife Society  
Wildlife Management Institute

#### Statement of Steve Riley, Chair National Cooperators' Coalition

#### Regarding

#### USGS Cooperative Research Unit Program Funding for Fiscal Year 2011

#### Summary

The National Cooperators' Coalition (NCC) urges the Subcommittee on Interior, Environment, and Related Agencies to increase the funding of the U.S. Geological Survey's Cooperative Fish and Wildlife Research Units (CFWRUs) by \$2.7 million above the amount appropriated for FY 2010 to fill vacant scientist positions and complete restoration of the program's integrity. Contingent on full funding of the base program, the NCC seeks additional funding of \$2 million to establish new capacity by adding units in Nevada and New Jersey, completing the wildlife mission at existing units in Hawaii and California, and ensuring that the entire CFWRU network is sufficiently robust to meet the nation's pressing natural resource challenges. These increases above the FY2010 enacted level are essential to successfully address the natural resource management challenges posed by climate change, energy development needs, invasive species, wildfire, increased demand for limited water resources, and retirement and replacement of an unprecedented number of natural resource professionals over the next 10 years.

*The National Cooperators' Coalition is an alliance of nonfederal CFWRU program cooperators and other supporters. Its members include state fish and wildlife agencies, universities, and non-governmental organizations. The mission of the NCC is to build a stronger and more coordinated base of support to serve research, education, and technical assistance needs of the nonfederal CFWRU program cooperators.*

#### Continue to Build on This Subcommittee's Efforts

This Subcommittee was instrumental in providing the funding needed to fill all CFWRU scientist positions in Fiscal Year 2001, after years of work. Unfortunately, much of this effort was undone over the next seven years. Beginning in Fiscal Year 2008, however, the Subcommittee once again began leading the effort to restore the integrity of the CFWRU program. We greatly appreciate your leadership

**Steering Committee:** Steve Riley (Chair) • Bob Davison (Vice-chair) • Dave Willis (Secretary) • Doug Austen • Ron Dent • Dan Edge • Dale Humburg • Ron Regan • Jim Sweeney • Rob Swihart • Steve Williams

in adding funding for the past three years for this important research and training partnership, which already brings together state fish and wildlife agencies, state universities, and federal agencies around a local, applied research agenda. To provide the capacity in the CFWRU program that existed a decade ago, the Fiscal Year 2011 USGS appropriation now needs just \$2.7 million more than the Fiscal Year 2010 enacted level.

State and federal natural resources agencies are facing unprecedented challenges posed by climate change, energy development needs, invasive species, infectious diseases, wildfire, and increased demand for limited water resources. These agencies also face the challenge of replacing an extraordinary number of natural resource professionals who will be retiring within this decade. Finding workable solutions to these challenges requires the kind of approaches to research emphasized by the CFWRUs, which rely on interdisciplinary efforts, collaborations and accountability to help resolve emerging issues at scales that transcend state boundaries.

As you know, each of the CFWRUs in 38 states is a true federal-state-university-private partnership among the U.S. Geological Survey, a State natural resource agency, a host university, and the Wildlife Management Institute. The CFWRUs build on these partner contributions to leverage more than three dollars for every dollar appropriated to the program by Congress. The CFWRUs have established a record of educating new natural resource professionals who are management-oriented, well-versed in science, grounded in state and federal agency experience, and able to assist private landowners and other members of the public. Restoration of funding support would ensure that the Interior Department provides the federal scientist staffing agreed to with partners so that the return on their continuing investment in the CFWRUs is realized and fully leveraged. The role of the CFWRU program in facilitating solutions to natural resources management challenges and training the fish and wildlife managers of tomorrow should be expanded rather than compromised by funding shortfalls that result in the absence of scientist leaders.

With appropriation of \$22 million for the CFWRUs for Fiscal Year 2011, a sound foundation will exist on which new capacity should be built with appropriation of an additional \$2 million to add CFWRUs in Nevada and New Jersey and complete the wildlife mission at existing CFWRUs in Hawaii and California. Rutgers University, University of Nevada-Reno, University of Hawaii-Hilo and Humboldt State University bring a wealth of research, education and innovative technology to address contemporary conservation issues at regional and national scales. The respective state agency partners bring an extensive history of successful fish and wildlife management skills and resources that complement those existing at the universities. The state agency and university partners are well-equipped to collaborate with CFWRUs to help resolve natural resources management challenges that transcend state boundaries. For example, New Jersey capacity can be brought to bear on the effects of climate change on anadromous fish, and new strategies for wildlife management in urban settings. California has been at the forefront of watershed restoration, forest management and disease ecology. Hawaii's problems and handling of invasive rodents, feral pigs and feral cats that affect endangered species can serve as a model for other states. In Nevada, wildfire and invasive plants threaten mule deer habitat and invasive species threaten Lake Tahoe.

Finally, the NCC would like to work with the Subcommittee to develop a competitive, matching fund program within existing CFWRU legislative authority for Fiscal Year 2012 and beyond to address high priority research needs for natural resources managers.

We urge you to make greater use of this important research and training partnership, which already brings together state fish and wildlife agencies, state universities, and federal agencies around a local, applied research agenda. With your assistance, the Cooperative Fish and Wildlife Research Units can make the best use of federal funds, becoming even more effective in using science and collaboration to address the natural resources challenges facing the Interior Department, other federal, state, local agencies and this country's citizens.

Thank you for consideration of our request.

**Testimony Submitted to the Appropriations Subcommittee on Interior, Environment and Related Agencies, U.S. House of Representatives, Regarding FY11 Funding for the National Endowment for the Humanities, by the National Humanities Alliance (March 19, 2010)**

Mr. Chairman and Members of the Subcommittee:

On behalf of the National Humanities Alliance (NHA) and its 104 member organizations and institutions, we write to express strong support for the National Endowment for the Humanities (NEH). Our members, and the thousands of teachers, scholars, humanities organizations and institutions they represent, use NEH grants to maintain a strong system of academic research, education and public programs in the humanities. We urge you to provide the National Endowment for the Humanities with funding of at least \$232.5 million in Fiscal Year (FY) 2011, including:

- \$204.0 million for NEH program funds (a \$64.0 million increase)
  - \$144.0 million for national programs (a \$44.4 million increase)
  - \$60.0 million for the federal/state partnership (a \$19.6 million increase)
- \$28.5 million for administrative funds requested by the agency (a \$1.0 million increase)

**Funding Overview**

Our request constitutes a significant, \$65 million increase over the FY 2010 enacted level, which we believe is a necessary and appropriate federal expenditure given: the value of the humanities in supporting national interests, from a competitive workforce to homeland security; the severity of the current *economic crisis*, and the need for federal intervention to mitigate long-term damage to the nation's education infrastructure; the documented, *unmet demand* for NEH programs at both the federal and state levels; NEH's *present capacity* to distribute requested funds efficiently through existing program structures noted for excellence; NEH's demonstrated *historical capacity* to operate effectively at higher funding levels.

NEH is funded at \$167.5 million for FY 2010, including \$140.0 million in total program funds and \$27.5 million for administration. The agency did not receive funding under the American Recovery and Reinvestment Act (ARRA) of 2009. Historically, NEH has demonstrated the capacity to operate at much higher funding levels. Even with recent adjustments, NEH overall funding is still just over a third of its funding peak in 1979 (\$429 million when adjusted for inflation). The agency has not yet recovered from a nearly 40% cut imposed in the mid-90s, before which (in FY 1994), NEH was funded at the equivalent of \$256.9 million (\$2009).

Unfortunately, the Obama Administration has requested decreased funding for NEH at a level of \$161.3 million, which constitutes a reduction of \$6.2 million in *overall* funding from the FY 2010 level approved by Congress. It is important to note that the President's budget represents a \$7.2 million cut in NEH program funds, which would absorb a proposed \$1.0 million increase in administrative funds to cover the agency's estimated operating costs for FY 2011. ***We strongly oppose the cuts proposed in the Administration's FY 2011 Budget Request for NEH.***

### NEH National Programs

*The National Humanities Alliance supports FY 2011 funding of \$144 million for national programs (an increase of \$44.4). New funds requested include:*

- \$36.9 million to increase the award rate for critically underfunded grant competitions
- \$7.5 million for a new, competitively-awarded graduate student-faculty program

NEH national programs represent the pool of funds that support peer-reviewed, competitive grant opportunities for a wide range of educational institutions, non-profit organizations, and individual scholars around the country. These grants are at the center of the agency's mission to create, preserve, and disseminate knowledge in the humanities. Current national core programs and special initiatives include the **Division of Research, Division of Preservation and Access, Office of Digital Humanities, Office of Challenge Grants, Division of Education Programs, Division of Public Programs**, and the *We the People* initiative. A new initiative, *Bridging Cultures*, has been proposed by the Administration for FY 2011.

**Unmet Demand** - Demand for humanities project support, as demonstrated by NEH application rates (and confirmed by feedback from the field), far exceeds funding available. In FY 2009, NEH received 4,366 competitive grant applications representing more than \$402 million in requested funds, but was only able to fund 16.9% of these peer-reviewed project proposals. This is a low figure, when compared to the most recent rate of 32% reported by the National Science Foundation (NSF), a federal agency closely parallel to NEH in its operations and mission to advance research and teaching for the academic fields under its umbrella. We estimate that at least \$37 million would be needed to increase the NEH award rate to 25%, if only the most critically underfunded of NEH's grant competitions were boosted. To achieve parity with the FY 2009 NSF funding rate of 32%, an increase of at least \$60 million would be required. Examples of underfunded NEH grant programs include:

- fellowships and collaborative research
- digital humanities projects
- professional development for teachers and faculty
- preservation of historically-significant collections
- public film, radio, television, and digital media projects
- challenge grants to build institutional capacity and leverage non-federal support

**Graduate Student/Faculty Fellowships** –NHA supports the recommendation of the Association of American Universities and the Council of Graduate Students, among others, to create a new, competitive program promoting collaboration among graduate students and faculty in the humanities, similar to models in the sciences. *For more than a decade, NEH has stood alone as the only federal research agency that does not support graduate education.* The proposed program would provide much-needed support to sustain the pipeline for the next generation of scholars and educators in the humanities. These young people are particularly vulnerable today because of the especially severe impact of the economic downturn on new faculty hires in humanities disciplines. Increased federal attention to, and investment in, humanities graduate education is critical to attract and retain talented individuals to serve as the nation's future experts and educators. We request \$7.5 million in new funds for this program.

**Critical Priorities Addressed in the FY 2011 Budget Request** - The National Humanities Alliance continues to urge expansion of NEH activity in a number of critical areas, including: international/global studies, humanities data, and graduate education. While we do not support the Obama Administration's overall funding recommendations for NEH, *we are very pleased to note interest signaled in the agency's FY 2011 budget request for the following:*

- **Global understanding**—For FY 2011, NEH has proposed a new special initiative—Bridging Cultures—to advance Americans' understanding of their own rich cultural heritage, as well as the cultural complexity of the world in which they live. As the only federal agency responsible for advancement of a broad range of critical fields in this area (e.g., history, foreign language, comparative literature, religious studies, cultural anthropology), NEH is well-positioned to provide leadership in support of increased U.S. global competency and competitiveness abroad, as well as civil engagement and understanding at home.
- **Humanities data**—NHA applauds the following statement in the Administration's budget request for NEH: "In FY 2011, the Endowment plans to enter into a partnership with the American Academy of Arts and Sciences (AAAS)...to sustain and extend AAAS's developmental work on the Humanities Indicators project. This project, which is responsive to NEH's legislative mandate to develop a "system of national information and data collection...on the humanities," is making a wide range of humanities data available to researchers, educators, and the general public. These data will equip policymakers and institutional administrators with statistical tools to help inform decision-making about primary and secondary education, higher education, the humanities workforce, levels and sources of humanities funding, public understanding of the humanities, and other areas of concern to the humanities community."
- **Graduate education**—NEH has recently revised the eligibility criteria for summer seminars and institutes to create opportunities for humanities graduate students, beginning in the summer of 2010. NHA strongly supports this policy change, which is responsive to suggestions from the humanities community.

#### **NEH Federal/State Partnership**

***The National Humanities Alliance supports FY 2011 funding of \$60.0 million for the NEH Federal/State Partnership (a \$19.6 million increase).*** Our request would strengthen the capacity of state humanities councils to support local cultural and educational institutions, teaching and learning resources, family literacy programs, community discussion groups, and programs for new citizens. A recent survey of state council capacities and resources has identified \$150 million in funds needed for programs and infrastructure support in their states. State councils seek to secure half this figure in federal funding over the next three years.

#### **Value of the Humanities**

The 1965 legislation that established the NEH states: "*An advanced civilization must not limit its efforts to science and technology alone, but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.*" At a time of rapid globalization and technological development, the wisdom of this statement is *as evident today – if not more so* – than it was forty-five years ago. The humanities represent critical modes of thought and fields of knowledge that support a globally competitive (and vocationally mobile) workforce, undergird our civic institutions, inform complex policy challenges, and enrich individual lives. They encompass a broad range of fields—including the study of languages, linguistics, literature,



history, law, government, philosophy, archaeology, comparative religion, ethics, and more—which support capacities especially relevant to the 21st century: knowledge of world cultures, religions, and languages; understanding of U.S. history and democratic traditions; and humanistic perspectives to evaluate the implications of scientific and technological advances.

#### **Economic Crisis**

Additional funds are needed to help offset severe economic pressures on the academic workforce and humanities institutions and invest in the nation's long-term economic recovery. As one of the largest sources of support (private or public) for the humanities in the United States, NEH funding is critical to the health of our nation's education and research infrastructure. As the impact of the economic downturn deepens, many institutions and nonprofit associations around the country are struggling to maintain continued access to high-quality programming and educational opportunities in the humanities – from colleges and universities, to schools, museums, libraries, historical societies, and other nonprofit organizations.

Our nation's long tradition of fostering broad access to liberal arts education is increasingly looked to by nations around the world as a unique driver of U.S. economic leadership and innovation in the last century. Nevertheless, recent federal policy places almost exclusive emphasis on fostering scientific and technological advancement, and widens still further the historic gap between federal and institutional support for the humanities and investment in other academic disciplines. As a result, opportunities for humanities researchers, educators, and students, are failing to keep pace with those provided to their counterparts in the sciences. NSF, for example, received \$3 billion in Recovery Act funding that by October, 2009, had already enabled 4,599 competitive awards supporting more than 6,700 investigators in all 50 states and Puerto Rico — many of them located at the same educational institutions served by NEH. While these are critical expenditures, we cannot allow this gap to continue to grow without damaging our nation's capacity to foster the broad range of our citizens' talents, and train the next generation of scholars and educators in all fields of learning. Our long-term economic success depends on cultivating a broadly educated workforce ready to compete in the knowledge-based, global economy of the 21st century. It is a strategic mistake to turn away from a historic strength of the U.S. educational system at the very moment others are moving to embrace it.

#### **Conclusion**

We recognize that Congress faces difficult choices this year, and ask the Subcommittee to fund a significant increase for the National Endowment for the Humanities in FY 2011 as an investment in the nation's long-term economic recovery and competitiveness, the strength and vitality of our civic institutions, the preservation and understanding of our diverse cultural heritage, and the lives of our citizens. The National Humanities Alliance and its members are grateful for the Subcommittee's vigorous and sustained support for the humanities, and would especially like to recognize its leadership for the increase received by NEH for FY 2010. Thank you for your consideration of our request.

*Founded in 1981, the National Humanities Alliance is a coalition of nonprofit humanities organizations and individuals dedicated to the advancement of humanities education, research, preservation and public programs ([www.nhalliance.org](http://www.nhalliance.org)).*

National Wildlife Refuge Association  
1250 Connecticut Avenue, NW, Suite 600  
Washington, DC 20036

**TESTIMONY**  
**BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,**  
**ENVIRONMENT AND RELATED AGENCIES**  
**CONCERNING FISCAL YEAR 2011 APPROPRIATIONS**  
**March 19, 2010**

Mr. Chairman and Members of the Subcommittee:

On behalf of the National Wildlife Refuge Association (NWRA) and its membership comprised of current and former refuge professionals, Friends organization affiliates and concerned citizens, thank you for your strong support for the National Wildlife Refuge System (NWRS) including the meaningful funding increases over the past 3 years which allowed the System to emerge from years of declining budgets following the 2003 Refuge Centennial. Unfortunately, the President's budget request, a \$3.3 million cut, is a step in the wrong direction and if enacted, could reinstate the downsizing plans that called for a 20% reduction of staff on refuges nationwide. Because the Refuge System needs *at least* \$15 million annually to address management capabilities (rent, utilities, staff salaries, gas, etc...) the President's proposal is in actuality an \$18.3 million reduction. The NWRA appreciates the opportunity to offer comments on the fiscal year 2011 Interior Appropriations bill and we respectfully request the Subcommittee support the following programmatic funding allocations for programs in the NWRS and the U.S. Fish and Wildlife Service (FWS):

- **\$578 million for the operations and maintenance (O&M) accounts of the NWRS;**
- **\$600 million for the Land and Water Conservation Fund (LWCF), including \$150 million for the NWRS;**
- **\$19 million for the Challenge Cost Share Program in the Department of the Interior including \$6 million for the NWRS;**
- **\$40 million for Landscape Conservation Cooperatives in the FWS;**
- **\$25 million for Climate Change Inventory and Monitoring for refuges;**
- **\$100 million for the NWRS construction account for large scale restoration projects, visitors centers and energy efficiency projects;**
- **\$5 million for Volunteer Community Partnerships for the NWRS;**
- **\$25 million for invasive species control and eradication projects on and near refuge lands, including \$5 million for large scale projects;**
- **\$35 million for the management of the new Pacific Marine Monuments;**
- **\$75 million for the FWS' Partners for Fish and Wildlife Program;**
- **\$115 million for the State and Tribal Wildlife Grants Program;**
- **\$52.6 million for the North American Wetlands Conservation Fund;**
- **\$6.5 million for the Neotropical Migratory Bird Fund;**
- **\$10 million for the National Fish and Wildlife Foundation (NFWF) in the FWS' Resource Management General Administration appropriation.**

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**National Wildlife Refuge Funding – O & M and Construction**

The NWRA is the chair of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 sporting, conservation, and scientific organizations representing more than 15 million Americans. The Refuge System needs at least \$900 million in annual operations and maintenance funding to properly administer its 150 million acres as mandated in the Refuge Improvement Act. To reach this reasonable goal, we respectfully request that you provide \$578 million in FY 11 for Refuge System Operations and Maintenance (O&M).

After years of flat budgets, Congress in recent years has demonstrated a commitment to fund our national wildlife refuges. The increases in the past three years allowed for the suspension of workforce downsizing plans that outlined an eventual 20% reduction in overall staffing levels. But with more than 10% of staff already eliminated since 2004 and a current O&M backlog of more than \$3.7 billion, additional increases that build upon recent years are essential.

Within the \$578 request for refuge O&M, we recommend \$15 million for inflationary costs. We know the System needs *at least* \$15 million annually to maintain management capabilities which includes rent, utilities, salaries, concrete, gas and steel – everything a refuge needs to fully function. The President's requested \$3.3 million decrease is an effective \$18.3 million cut due to these annual needs. Without providing adequate funding for these fixed costs, refuges will simply be unable to maintain current programs and public services, and the backlog will grow.

For example, at the Potomac River Refuges in Northern Virginia, the past 3 years of funding increases allowed the complex to hire a temporary staffer to conduct public outreach and education and provide the ONLY staff presence on the weekends deterring criminals from illegal dumping, poaching and even prostitution. Should the President's budget cut be enacted, that staff person would likely be eliminated and conditions would return to those of only a few short years ago, when the complex was plagued with illegal squatters, turtle and fish poaching, dumping and a prostitution ring. In many cases the simple presence of an official refuge vehicle is enough to deter would-be criminals. We must ask ourselves, is a cut to the Refuge System budget really worth the consequent costs?

Within the allocation for refuge operations, we request \$25 million for inventory and monitoring to help refuges cope with Climate Change; \$25 million for invasive species removal projects including \$5 million for large scale efforts; \$5 million for Volunteer and Partnership programs and \$35 million for the management of the new Pacific Marine Monuments.

We also ask the Subcommittee to expand funding for the Refuge System's construction budget to \$100 million. The FWS has more than \$1 billion worth of construction needs, including the replacement of quickly deteriorating structures that are not energy efficient and are becoming more expensive to maintain. Construction funds also support large-scale habitat restoration projects such as the Salt Pond restoration efforts at the Don Edwards San Francisco Bay NWR. Funds for new visitor/administration centers will be a net benefit with regards to both efficiencies and economic impact to local communities. Refuges with a broad range of outdoor and indoor programs create more revenue, jobs in service industries, and income for local communities.

**Climate Change – FWS and NWRS**

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The FWS and the Refuge System are just beginning to develop strategies to address Climate Change and are still woefully behind what is truly needed – especially with species in extreme locations such as Alaska and Hawaii on the verge of collapse. We strongly support the FWS initiative to establish Landscape Conservation Cooperatives to bring the best science to bear to help all agencies make the most educated management decisions. We recommend an allocation of \$40 million to fund these LCCs in FY11, building upon the investments made this fiscal year.

Even with new funding for refuge inventory and monitoring this year, refuges are still in dire need of additional dedicated dollars to aid species adaptation. We recommend \$25 million for inventory, monitoring and planning for refuges. Refuges are perhaps our best natural laboratories to assess impacts to wildlife as a result of global climate change; a small investment could yield valuable insights that will guide wildlife management and land use planning well into the future.

#### **Invasive Species – Control and Eradication**

The NWRS is succumbing to a relentless onslaught of invasive species with over 2.3 million acres of refuge lands infested with invasive plants and 4,400 invasive animal infestations. Funding is needed to halt their progress and in some cases remove them entirely. Of the total 2.3 million plant-infested acres, the System was able to treat only 14.6% in 2008 – the same year a GAO report found that the number one management action that had increased in cost was the management of invasive plants. We urge the Subcommittee to allocate \$25 million for invasives eradication efforts on refuges with \$5 million for large-scale projects.

#### **Strategic Growth and Partnerships**

While providing adequate funding to operate and maintain the Refuge System is of vital importance, most refuges are too small in size to fully achieve their conservation objectives. Their integrity depends on the health of surrounding lands and waters; and in turn, the health of refuge lands and waters has an enormous impact on surrounding communities. Consequently, there is a growing need to provide funding to ensure that lands and waters outside refuge boundaries are conserved. NWRA encourages a *Beyond the Boundaries* approach, which identifies and prioritizes crucial additions to the nation's conservation estate while improving connectivity between refuges and other conservation lands and encouraging partnerships to implement conservation strategies.

One of the most effective tools for effective partnering for conservation is the Challenge Cost Share (CCS) program and we strongly urge the Subcommittee to fund the program at \$19 million. The program was zeroed out in the Administration's budget due to inadequate reporting by DOI agencies; however, the lack of reporting was in many instances due to a lack of staff resources – NOT because the program was not receiving a match from partners or was being used inappropriately. The program leverages taxpayer dollars, turning a \$19 million investment into at least \$38 million in completed projects. We support DOI efforts already underway to strengthen reporting and we hope you will work with the Administration to repair the program and not eliminate it. The CCS has provided important opportunities for tens of thousands of citizen volunteers to do thousands of stewardship projects on public lands by leveraging these federal funds in a way that cannot be duplicated through other federal funding programs.

Another demonstrated conservation partnership is the FWS' Partners for Fish and Wildlife Program and we ask that the Subcommittee appropriate the authorized \$75 million next year. Partners is a powerful tool to work with private land owners and leverage federal dollars. A \$75

Page 4 of 4 – NWRA FY 2011 Testimony

million investment in the Partners program will conservatively net \$300 million worth of additional conservation. On average, every \$1 appropriated leverages between \$4 and \$10.

To strategically grow the Refuge System, NWRA strongly supports President Obama in encouraging Congress to fully fund the Land and Water Conservation Fund (LWCF) to its authorized annual level of \$900 million in the next four years. We urge the Subcommittee to allocate \$150 million for the FWS to secure high-priority water rights and high-priority lands and conservation easements. Inadequate water quantity and quality represent some of the biggest obstacles for refuges to overcome and unfortunately, many refuges do not own the water rights on the refuge or they are not guaranteed an allocation of water from a river or stream.

Currently, there are roughly 8.3 million acres remaining to be acquired within approved refuge boundaries. \$150 million for refuge land acquisition may seem high, but consider that if Congress appropriated the full \$900 million annually ONLY to refuges, it would still take almost 20 years before the System could acquire all the lands currently in acquisition boundaries.

Within this request, the NWRA encourages the Subcommittee to provide funding for the following projects, which have willing sellers, are immediately available for purchase and provide increased connectivity between important public and private lands that will ultimately increase species ability to adapt:

- \$ 4.9 million, Bear River Migratory Bird Refuge (UT) to acquire 3,000 acres;
- \$2.5 million, Blackwater NWR (MD) to acquire 1,515 acres;
- \$ 4 million, Cache River NWR (AR) to acquire 5,000 acres;
- \$ 2.5 million, Charles M. Russell NWR (MT) to acquire 2,400 acres;
- \$500,000, Cokeville Meadows NWR (WY) to acquire 2,200 acres;
- \$ 2 million, Lake Wales Ridge (FL) to acquire 800 acres;
- \$ 2 million, Nestucca Bay NWR, OR to acquire 300 acres;
- \$6 million, Silvio O. Conte NFWR (MA, CT, NH and VT) to acquire 2,050 acres;
- \$ 3.5 million, Sheldon - Hart NWR Complex (NV, OR) to acquire 2,500 acres;
- \$ 10 million, Stillwater NWR, NV to acquire 10,000 acres of water rights.

There are several additional extremely worthy refuge land acquisitions that are advocated for by refuge “Friends” organizations and refuge partners and we have provided the Subcommittee with those requests in a separate document.

The NWRA also urges the Subcommittee to appropriate \$115 million for the State and Tribal Wildlife Grants Program to implement State Wildlife Action Plans; \$52.6 million for the North American Wetlands Conservation Fund; \$6.5 million for the Neotropical Migratory Bird Conservation Fund and \$10 million for the National Fish and Wildlife Foundation.

In conclusion, the NWRA believes the National Wildlife Refuge System can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge volunteers. We extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System.

Institution: New Jersey Audubon Society  
Name/Title: Joe Basralian, Conservation Advocate

March 17, 2010

To the House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies:

Request of Interior / Land and Water Conservation Fund

Funding requests:

- Cape May National Wildlife Refuge – Hanson Aggregates property: \$2,000,000
- Edwin B. Forsythe National Wildlife Refuge – Great Creek Road Parcel: \$1,375,000, and West Creek Parcel: \$350,000
- Wallkill River National Wildlife Refuge – Kenely Property: \$1,750,000
- Great Swamp National Wildlife Refuge – Great Brook: \$1,100,000

We, the 47 undersigned organizations, respectfully urge you to support funding for land acquisition projects at New Jersey's National Wildlife Refuges and to ask the Interior Appropriations Subcommittee to provide that funding under the Land and Water Conservation Fund program in Fiscal Year 2011. Please help us preserve our national heritage by strengthening the refuge system in our state.

**Fulfilling the following requests is critical to protecting our state's rich biodiversity, safeguarding our natural resources and increasing recreational opportunities for our citizens.** These requests are listed as top priorities; as more funding becomes available, we support increased appropriations for the five National Wildlife Refuges.

- *Cape May National Wildlife Refuge:* \$2,000,000 for assistance in the acquisition of 620 acre Hanson Aggregates property, which contains rare plant communities and numerous endangered and threatened bird and amphibian species. Purchase of the property will also help protect area water supply.
- *Edwin B. Forsythe National Wildlife Refuge:* \$1,375,000 for the acquisition of the 139 acre Great Creek Road Parcel, and \$350,000 for the acquisition of the 79 acre West Creek Parcel. These parcels provide critical habitat for bird species along the Atlantic Flyway, and help maintain the integrity of the watershed.
- *Wallkill River National Wildlife Refuge:* \$1,750,000 for acquisition of a 165 acre Kenely Property, a diverse mix of habitats for diverse wildlife including threatened and endangered species. Conservation of this property would also contribute to the water quality of the Wallkill River.
- *Great Swamp National Wildlife Refuge:* \$1,100,000 to complete the acquisition of an 18-acre parcel known as Great Brook, which provides critical habitat for endangered Indiana bats and numerous other rare species as well as office space for US Fish and Wildlife Service employees.

**Investing in New Jersey's refuges provides significant economic and quality of life benefits to our citizens.** These investments protect and enhance New Jersey's \$4 billion wildlife-related recreation industry. Each year, fishing, hunting and wildlife-watching activities create more than 37,000 jobs and generate over \$150 million in sales tax revenue. Our refuges also provide natural ecosystem services that help purify our state's air and water supply and protect human health.

**We must take action now to protect the remaining natural areas surrounding our refuges.** New Jersey's open space and undeveloped land is disappearing at an alarming rate. For this reason, we respectfully ask you to encourage the Interior Appropriations Subcommittee to appropriate funding for these vital refuge land acquisition projects before it is too late. Thank you for your consideration.

Sincerely,

New Jersey Audubon Society  
 Appalachian Mountain Club  
 Association of New Jersey Environmental Commissions (ANJEC)  
 Bergen County Audubon Society  
 Bergen SWAN (Save the Watershed Action Network)  
 The Conservation Fund  
 Citizens United to Protect the Maurice River and Its Tributaries, Inc.  
 Conserve Wildlife Foundation of New Jersey  
 D & R Canal Watch  
 Delaware River Greenway Partnership  
 Delaware Riverkeeper  
 Edison Wetlands  
 Doug O'Malley, Field Director, Environment New Jersey  
 Food & Water Watch  
 Friends of Sparta Mountain  
 Friends of the Cape May National Wildlife Refuge  
 Friends of Edwin B. Forsythe National Wildlife Refuge  
 Friends of the Great Swamp National Wildlife Refuge  
 Friends of the Supawna Meadows National Wildlife Refuge  
 Friends of the Wallkill River National Wildlife Refuge  
 Fyke Nature Association  
 Great Egg Harbor Watershed Association  
 Great Swamp Watershed Association  
 Hackensack Riverkeeper  
 Hunterdon Land Trust Alliance  
 Kingston Greenways  
 The Land Conservancy of New Jersey  
 Michael Catania, President of Conservation Resources, Inc.  
 Monmouth Conservation Foundation  
 Musconetcong Mountain Conservancy  
 Musconetcong Watershed Association  
 New Jersey Conservation Foundation  
 New Jersey Environmental Lobby  
 New Jersey Highlands Coalition

New Jersey State Council – Trout Unlimited  
 New Jersey State Federation of Sportsmens Clubs  
 New York-New Jersey Trail Conference  
 Deborah Mans, Executive Director, NY/NY Baykeeper  
 Passaic River Coalition  
 Project HEAL at Camp Creek Run  
 Rancocas Conservancy  
 Save Barnegat Bay  
 Schiff Natural Lands Trust  
 South Branch Watershed Association  
 Anthony Cucchi, New Jersey State Director, The Trust for Public Land  
 Jennifer Coffey, Policy Director, Stony Brook-Millstone Watershed Association  
 Verona Park Conservancy



**Testimony of New Mexico Wildlife Federation  
In Support of Land and Water Conservation Fund funding  
At Carson National Forest, New Mexico  
And Forest Legacy Program funding  
For Vallecitos High Country Project  
U.S. Forest Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

My name is Alan Hamilton and I am the Conservation Director for the New Mexico Wildlife Federation. I appreciate the opportunity to present this testimony on behalf of our organization in support of two important land conservation projects in New Mexico. Founded in 1914 by Aldo Leopold and other conservation-minded sportsman, the New Mexico Wildlife Federation is New Mexico's oldest conservation organization dedicated to protecting New Mexico's wildlife, habitat and outdoor way of life. Presently the New Mexico Wildlife Federation is honored to represent about 8,000 sportsmen and women throughout the state.

The first project is the Forest Service acquisition of the 1,500-acre first phase of the nearly 5,000-acre Miranda Canyon property. An appropriation of \$4 million is needed in FY2011 from the Land and Water Conservation Fund in order to protect this land in the Carson National Forest. The second project is the 6,250-acre second phase of the 11,699-acre Vallecitos High Country project. An Appropriation of \$3.375 million is needed from the Forest Legacy Program to protect this extraordinary land.

**Carson National Forest**

Some of the finest mountain scenery in the Southwest is found in the 1.5 million-acre Carson National Forest. Elevations rise from 6,000 to 13,161 feet at Wheeler Peak in the Sangre de Cristo Mountains, the highest peak in New Mexico. The scenery varies from high desert scrub and red soil to spruce and fir filled mountainsides and wildflower meadows. In addition to the various landscapes, there are also many recreational opportunities in the forest. The magnificent mountain scenery and cool summer temperatures lure visitors to enjoy fishing, hunting, camping and hiking. Winter activities include skiing, snowshoeing and snowmobiling. There are 330 miles of trails for hiking, horseback riding, mountain biking, and 4-wheel drive exploring. For the backcountry enthusiast, there are 86,193 acres of wilderness in the forest that have been virtually undisturbed, where travel is restricted to foot or horseback.

There are many species of animals in the Carson National Forest including mule deer, elk, antelope, black bear and bighorn sheep along with many species of songbirds

and a wonderful display of wildflowers. The forest has 400 miles of clean mountain streams and many lakes that offer outstanding trout fishing including rainbow, eastern brook, German brown and cutthroat trout. Available for acquisition as part of the Carson National Forest is the 4,990-acre Miranda Canyon Property located just ten miles south of Taos. The property is adjacent to the Carson National Forest and ranges in elevation from 7,200 ft. to 10,801 feet. The property has various vegetative types from low elevation sagebrush and pinon juniper to high elevation mixed conifer forest containing large aspen stands. There are also numerous meadows and riparian vegetation that provide excellent habitat for wildlife.

The landscape has numerous ridges and peaks that provide breathtaking views of the Rio Grande Gorge to the west and of Wheeler Peak, the highest peak in New Mexico, to the north. Picuris Peak is located on the property along a popular hiking route. The property also contains historical features such as the Old Spanish National Historic Trail, a route that dates back to the 1600s when the Spanish made their way to northern New Mexico and established the first capital city near San Juan Pueblo. Other geological features on the property include a unique small volcano and 1.7 billion year old rock outcrops that rival the age of rock found at the bottom of the Grand Canyon.

The landowner of the Miranda Canyon property is currently reviewing various development options for this scenic property after a recent attempt to subdivide the property into 150 lots. If subdivided and developed, tremendous recreational, scenic, and ecological resources would be diminished or lost forever. However, there is an immediate opportunity to protect this land for conservation, which would provide additional recreational opportunities for hunting, sightseeing, camping, hiking, interpretation, and horseback riding for the public.

In FY 2011, the Miranda Canyon property is available for acquisition by the Carson National Forest through the Land and Water Conservation Fund. An appropriation of \$4 million is needed this year to begin the acquisition of this property, which will conserve and enhance the area's scenic, recreation, historic, and natural resources.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

### **Vallecitos High Country**

The New Mexico Forest Legacy Program is devoted to the protection and management of environmentally important forest areas that are threatened by conversion to non-forest uses. In addition, the program gives priority to private forested lands which protect and enhance watershed and water quality, maintain and restore riparian areas, protect important wildlife habitats, and contribute to the cultural and economic vitality of rural communities.

In FY 2011, the state of New Mexico's top priority for Forest Legacy Program funding is a phase II conservation easement on 6,250 acres of the Vallecitos High Country property, continuing a protection effort that began in 2008. The property, located within the Rio Vallecitos watershed in Rio Arriba County, is an 11,699-acre parcel of mixed conifer, aspen, and spruce-fir forests interspersed with mountain meadows and creeks. It adjoins the Carson National Forest on three sides and is visible from the Continental Divide Trail. The Rio Vallecitos, an important cold-water fishery, is managed by the U.S. Forest Service as a Wild and Scenic River. It provides irrigation and municipal water to the downstream villages of Vallecitos and La Madera. The property boasts critical wildlife habitat that includes old growth forest, wet meadows, and clear creeks. The wide diversity of wildlife on the property includes several threatened and endangered species. In addition, several miles of riparian woodlands, considered relatively rare in New Mexico, are found along the Rio Vallecitos, Jarosa Creek, and North Creek. The Rio Vallecitos runs five miles across the property near the national forest boundary, and another 12 miles of tributary creeks on the property feed into this important riparian corridor.

The old-growth mixed conifer and spruce-fir forests on the Vallecitos High Country property provide suitable habitat for the federally-threatened Mexican spotted owl and the state-threatened boreal owl and pine marten. The property also provides important habitat for peregrine falcon, bald eagle, northern goshawk, and king fisher. Since it is a large forested property, it is capable of supporting populations of territorial wildlife species with large home ranges such as black bear, mountain lion, bobcat, turkey, and birds of prey. The property is within an area classified as a major wildlife dispersal corridor by the Southern Rockies Ecosystem Project, which strives to maintain a network of undeveloped habitats and migratory pathways in the region. The wet meadows and beaver ponds on the property are suitable reintroduction sites for the extirpated boreal toad. This state endangered amphibian may still exist as an undiscovered remnant population on the property. Recognizing these critical habitat lands, the landowner has been working with the New Mexico Department Game and Fish to protect the boreal toad habitat.

Due to its spectacular views and abundant fishing and hunting opportunities, the Vallecitos High Country property is highly threatened by the development of seasonal homes. Protection of this property will expand New Mexico's protection of high-quality watersheds and forests by complementing a completed Forest Legacy Program easement on the Vallecitos Mountain Refuge property along the Rio Vallecitos only two miles

downstream. It will also protect the scenic integrity of the area, as the property is visible from a new segment of the Continental Divide Trail and is part of the viewshed from the Rio Vallecitos Canyon.

In FY 2008, a total of \$1.195 million was secured from the Forest Legacy Program to help protect 2,213 acres of the forested 11,699-acre Vallecitos High Country property. In FY 2011, \$3.375 million is needed for the second phase to place a conservation easement on another 6,250 acres. These federal funds will be matched by a 25 percent land value donation from the landowner. Partners in this project are the New Mexico Department of Game and Fish, New Mexico Forestry Division, the Carson National Forest, Forest Trust, Rio Chama Watershed Group, Southern Rockies Ecosystem Project, and Vallecitos Mountain Refuge.

Please do all that you can to ensure that this worthwhile program is funded adequately in FY 2011 and that the Vallecitos High Country project receives \$3.375 million in FY 2011. I am thankful that the FY 2011 President's Budget request included \$1.925 million for this project. However, the phase can be completed this year with an appropriation of \$3.375 million.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of these nationally important protection efforts in New Mexico, and I appreciate your consideration of the funding requests.

Sincerely,

Alan Hamilton PhD  
Conservation Director  
New Mexico Wildlife Federation  
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Albuquerque, NM 87110-3162  
alan@nmwildlife.org

Ellen Pfister  
Land owner over permitted mine  
P. O. Box 330  
Shepherd, MT 59079  
Board Member, Northern Plains Resource Council

Agency: Office of Surface Mining, Department of Interior  
Funding for discretionary appropriations for fiscal year 2011

The Office of Surface Mining has recently proposed to increase its outreach and supervision of State and Tribal surface mining enforcement programs. This proposed budget will significantly cut the money available for OSM to carry out its program. The State of Montana has been consistently reducing the amount of money that it wants to provide to its primacy program under OSM. The personnel in the Montana regulatory program come and go like spring flowers. Once the new hires get a little experience, they move on to better paying jobs. I have discussed with OSM personnel about increasing the amount of money to fund the Montana program, but OSM tells me, they cannot increase the funding to the Montana program unless the state also increases the amount of money it supplies. The State of Montana would just as soon not think about enforcing the surface mining laws---after all it is a long ways from Helena to Eastern Montana where the mines are. Out of sight out of mind is what Montana would like to sign on to.

Recently, the State maneuvered with Canada to get an area in Western Montana removed from the dangers of coal mining. The same Montana Governor voted yesterday to lease a huge amount of coal in Eastern Montana, in a very scenic area, I might add, for surface mining. Tthe Governor only sees a big pot of money waiting for every legislature to spend. In 1973 Montana passed a high severance tax on coal to be saved for future generations and for impacts in coal country, a laudable goal, but it did not last. The rest of the state has had its hands in the pot for thirty years. Now there is no money for upfront impacts. The money will never be enough. Montana will see reclamation implode before it puts more money into it.

I am very concerned that Montana will follow the lead of the Appalachian states in merging state government with big coal to the point where the two are indistinguishable. Our little Department of Environmental Quality will become so starved for funds that it will be virtually non-functional and inoperative. Only an adequately funded Office of Surface Mining Reclamation and Enforcement can begin to keep some evenhandedness in the process. To do so OSM needs increased funding, not less. Please, at the very least keep OSM's funding at the 2010 level.



**Written Testimony of Kristy Meyer, Director of Agricultural & Clean Water Programs, Ohio Environmental Council**

**Before the U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies**

**Honorable James P. Moran, Chair, and Honorable Michael K. Simpson, Ranking Member**

**March 18, 2010**

Mr. Chairman and Mr. Ranking Member, thank you for this opportunity to submit testimony to this subcommittee to discuss the benefits of the Great Lakes Restoration Initiative to Ohio's portion of Lake Erie.

The Ohio Environmental Council asks that the subcommittee fund the successful Great Lakes Restoration Initiative at \$475 million. We appreciate the strong support that the subcommittee provided last year and ask you to provide the same funding level for fiscal year 2011 that was provided in fiscal year 2010.

The Ohio Environmental Council is a non-profit network of more than 100 local and state environmental-conservation organizations, and thousands of members throughout the state of Ohio. Our mission is to secure healthy air, land, and water for all who call Ohio home.

**Benefit of Lake Erie to Ohio**

Lake Erie is a foundation of health, economic vitality, and recreation for millions of Ohioans. Unique among the Great Lakes, Lake Erie is the shallowest, warmest and most biologically productive. The Lake supports one of the largest freshwater commercial fisheries in the world and the largest sport fishery in the Great Lakes, producing more fish for human consumption than the other four Great Lakes combined.

Lake Erie, along with the tributaries that feed the lake, supplies drinking water to 13 million residents regionally and roughly three million Ohioans. Each year more than seven million people flock to Ohio's portion of the Lake Erie basin, including Kelleys, South Bass (better known as Put-in-Bay), and Middle Bass islands, to reconnect with nature and families. As a result, a more than a quarter of a million jobs are sustained. Tourism, wildlife watching, and sport fishing contribute nearly \$11 billion a year in revenue to Ohio's economy.

The 11,649 square miles that make up Ohio's Lake Erie basin are comprised of beech-maple, oak, hemlock, and hardwood forests, as well as marshes, vernal pools and bogs, rare oak savannas, lakeshore grasslands, sand dunes, and more.

These habitats sustain more than 1,500 species of plants and animals. Threatened, endangered and rare species located within these extraordinary and unparalleled ecosystems include the wild lupine, Showy Lady's Slipper orchid, four-toed salamander, Lake Erie water snake and the Karner blue butterfly.

While Lake Erie does so much for us, it desperately needs our help. Invasive species like the quagga mussel are crowding out native fish and wildlife. Antiquated sewer systems and failing septic tanks dump raw, untreated sewage into the lakes and its tributaries, making the waters of our beaches unsafe for swimming. Agricultural runoff is choking the Lake, causing harmful algal blooms and is a main culprit of the Lake Erie "dead zones," areas of depleted oxygen that prevent fish from thriving there. Years of industrial pollution have led to fish consumption advisories and toxic hotspots, including the Maumee, Black, Cuyahoga, and Ashtabula Rivers Areas of Concern. Sprawling development has degraded water quality and wildlife habitat in streams and on the lakeshore. The State of Ohio, local governments, non-governmental organizations,

and the citizens of Ohio have invested a substantial amount of resources in preserving and restoring Ohio's Lake Erie and its basin. Additional funding, however, is needed. Unless the federal government continues to invest in the protection and restoration of the Great Lakes, the problems will get worse and the solutions will become more costly.

#### **Successful Restoration Efforts in the Ohio Lake Erie Basin**

In the Grand River watershed, a direct tributary to Lake Erie, The Nature Conservancy has been working to protect and restore Morgan Swamp and critical habitat surrounding Morgan Swamp. This 2,000 acre remnant of a five-mile-square swamp has been greatly impacted by logging, draining, peat fires, invasive species, and farming. Amongst expanding the Morgan Swamp Preserve by 250-acres, including a 70-acre conservation easement, they have been controlling the invasive species and provided opportunities to the public for educational purposes.

A five mile stretch in the Cuyahoga River ship canal has had extremely low oxygen levels for years, impeding fish migration for spawning purposes and young fish migration back to the Lake. The Cuyahoga River Community Planning Organization teamed up with Arcelor Mittal Steel USA, Custom Rubber Corp, Filtrexx International, and the Cuyahoga County Commissioners to develop and fund the placement of Cuyahoga Habitat Underwater Baskets (CHUBs). These CHUBs provide critical mini-habitats for fish moving upstream to spawn in the Cuyahoga River's tributaries, as well as young fish like smallmouth bass and steel head trout trying to make their way back to Lake Erie through the Shipping Channel.

As you can see, collaborative restoration efforts to date have made substantial progress, however federal funding has not kept pace with the enormity of the problem. The Great Lakes Regional Collaboration Restoration and Protection Strategy (GLRC Strategy) – the blueprint for Great Lakes Restoration – recommendations total over \$20 billion. Thanks to President Obama's Great Lakes Restoration Initiative we will begin to see more significant restoration projects undertaken within Ohio's Lake Erie basin.

#### **Need Outweighs Available Funding**

The state of Ohio submitted proposals that would carry out recommendations from the Lake Erie Protection & Restoration Plan, the GLRC Strategy, and the Great Lakes Restoration Initiative. However the Lake Erie Protection & Restoration Plan could easily top \$1 billion alone. Before the USEPA's request for proposals was issued, the Ohio state agencies were publically talking about submitting proposals under the Great Lakes Restoration Initiative that totaled more than \$140 million, which is \$4 million less than what is currently available under EPA's current solicitation. That figure does not include the more than \$60 million worth of projects that were not generated by our state agencies. One hundred and sixteen proposals were submitted under the Great Lakes Restoration Initiative from Ohio agencies and non-governmental entities, totaling more than \$83.5 million. That is nearly 60% of the funding currently available, which is just one state's request. Overall, as a region, 1,400 proposals were submitted, totaling over \$1.1 billion.

With \$475 million in place for the Great Lakes Restoration Initiative in fiscal year 2010 to target real on-the-ground science-based restoration projects, improved coordination amongst federal agencies, and more collaboration among governmental bodies and non-governmental organizations, now is not the time to lose steam on the progress that is, has, and will be made through this Initiative. The Great Lakes Restoration Initiative was created to do just what it has started to do: (1) see more collaboration amongst federal agencies; (2) build more and stronger partnerships within the Great Lakes region working to restore and protect our Great Lakes; (3) fund restoration projects that will spur local economies and provide a better quality of life within the region.

According to the Brookings Institution, for every dollar spent on restoring and protecting our Great Lakes we get \$2-4 returned. So if we were to invest \$26 billion in restoring the Great Lakes we could see an economic return anywhere from \$50 to \$100 billion. The city of Cleveland stands to gain \$2 to \$3 billion in economic return. Restoring our Great Lakes makes economic sense. It will spur our economy and allow us to continue to grow as an economic giant that we are and can be.

The USEPA has done a good job of quickly and cautiously: (1) developing a multi-year plan that implements portions of the GLRC Strategy, giving the Great Lakes region ample opportunities to comment on this plan; (2) developing interagency agreements with 13 federal agencies; (3) beginning the establishment of a system of accountability and reporting; (4) developing an request for proposals for more than \$120 million and sifting through the more than 1,000 proposals; (5) beginning to renegotiate the bi-national Great Lakes Water Quality Agreement; and (6) continuing to carry out the Great Lakes Legacy Act program, amongst other critical programs.

The Great Lakes Restoration Initiative is vitally important to the public, the environment, and economic health of the region and therefore should be authorized as a program to ensure a good quality of life for the region. It should not, however, be a means for funding of long-term restoration or protection work. The Great Lakes Restoration Initiative was created to support new work or enhance existing – not replace – Great Lakes baseline activities. Those other long-term projects, while critically important, such as keeping Asian carp out of the Great Lakes, should be built into the appropriate agencies baseline budgets in order to leave the Great Lakes Restoration Initiative free to supplement all other restoration activities.

#### Conclusion

Thank you again for the opportunity to provide this written testimony. While there are many tough choices before you, the OEC believes that investing in the Great Lakes benefits the health of citizens, the environment, and the economy. In addition to your support for an additional \$475 million for the Great Lakes Restoration Initiative in fiscal year 2011, we also hope that you will support the following recommendations in report language or oversight:

- The Great Lakes Restoration Initiative funds must only be spent in the Great Lakes basin.
- Ensure that all stakeholders, including non-governmental agencies, can partake in the priority setting process. The GLRC Strategy was developed in an incredibly collaborative process, we must continue this trend to ensure continued success of the Great Lakes Restoration Initiative.
- Streamline application and reporting procedures so non-federal stakeholders can use one application form for multiple agency requests. Too many small non-governmental agency groups are not able to administer large federal grants unless they partner with a larger entity because administering the paperwork and undertaking the restoration work are both time consuming process. This stifles any partnership amongst watershed groups that have the expertise to undertake restoration work, since most watershed groups usually only employ one staff person.
- Allow the USEPA to bundle funding for multiple projects, either by the same sponsor or multiple sponsors. This would allow the funds to be efficiently directed to high-priority areas, funding more comprehensive projects.
- Reduce the number of federal programs receiving Great Lakes Restoration Initiative funding to more efficiently target these investments. Because of the funds being so spread out over multiple funding programs some vital projects could not be undertaken or were significantly scaled back, like the removal of the Ballville Dam on the Sandusky River in Fremont, Ohio. The removal of this 33' dam would open up 22 river miles and provide new access to over 300 acres of appropriate spawning habitat for walleye and other fish, as well as restore oxygen levels within a large section of the river. Overall this project currently needs \$6 million, however, it was reduced to \$2 million.





Written Statement of  
**Marc Scorca, President and CEO, OPERA America**

**Subcommittee on Interior, Environment, and Related Agencies**  
 Committee on Appropriations United States House of Representatives

**The Importance of Funding for the National Endowment for the Arts (NEA)**  
**March 19, 2010**

Mr. Chairman and distinguished members of the subcommittee, I am grateful for the opportunity to submit testimony on behalf of OPERA America, its Board of Directors, and its 117 American member companies. **We strongly urge you to support an increased appropriation of \$180 million for the National Endowment for the Arts for FY 2011.** This testimony and the funding examples described below are intended to highlight the importance of federal investment in the arts so critical to sustaining a vibrant cultural community throughout the country.

Opera is a continuously growing art form that can address the diverse needs and backgrounds of our communities. New opera companies are being established in communities that have never before had access to live performances. Seventy percent of the opera companies in existence today have been established since 1960. The growth of the field corresponds to the establishment and growth of the NEA. Over the last 20 years, a rich repertoire of American operas has been created by composers who communicate the American experience in contemporary musical and dramatic terms. The growth in the number and quality of American operas corresponds directly to the investment of the NEA in the New American Works program of the former Opera-Music Theater Program.

Past NEA funding has directly supported projects in which arts organizations, artists, schools, and teachers collaborated to provide opportunities for adults and children to create, perform, and respond to artistic works. NEA funding has also made the art form more widely available in all states, including isolated rural areas and inner cities; indeed, NEA funded projects cross all racial, geographic, and socioeconomic lines.

The following are some examples of the impact of NEA funding on opera programs from the NEA's 2010 Access to Artistic Excellence Program:

**American Opera Projects, Inc.**

Brooklyn, NY

\$10,000

To support the commission and developmental phase of *Rosencrantz & Guildenstern Are Dead*, by composer and librettist Herschel Garfein and stage direction by Mark Morris. Based on the 1966 play and 1990 film by Tom Stoppard, the work will be transformed into a two-act opera for six principal roles, three smaller roles, and 16 instrumentalists.

**Atlanta Opera**

Atlanta, GA

\$20,000

To support a new production of Mozart's *Die Zauberflöte (The Magic Flute)*. The company will develop a program tailored for middle and high school students of area public schools and an educational touring production that will reach student and adult audiences in several Atlanta public schools.

**Austin Lyric Opera**

Austin, TX

\$20,000

To support performances of *L'Etoile (The Star)*, by Emmanuel Chabrier. Education and outreach activities will accompany the performances.

**Boston Academy of Music (aka Opera Boston)**

Boston, MA

\$20,000

To support Opera Boston's world premiere of *Madame White Snake*, by composer Zhou Long and librettist Cerise Lim Jacobs. The Chinese community specifically will be targeted through educational and outreach activities related to the production.

**Boston Lyric Opera Company, Inc.**

Boston, MA

\$25,000

To support a new production of *The Turn of the Screw*, by Benjamin Britten. Performances will be accompanied by community events through partnerships with area Boston cultural institutions.

**Cedar Rapids Opera Theatre**

Cedar Rapids, IA

\$15,000

To support a production of *Salome*, by Richard Strauss. The production will be filmed in HD and broadcast statewide by Iowa Public Television.

**Central City Opera House Association**

Denver, CO

\$20,000

To support a new production of *Three Decembers*, by composer Jake Heggie and librettist Gene Scheer. Based on an original text by playwright Terrence McNally, the musical theater work combines spoken text, soloists, and ensembles accompanied by an onstage chamber orchestra.

**Chicago Opera Theater**

Chicago, IL

\$20,000

To support a new production of *Three Decembers*, by composer Jake Heggie and librettist Gene

Scheer. Based on an original text by playwright Terrence McNally, the musical theater work combines spoken text, soloists, and ensembles with an onstage chamber orchestra.

**Dallas Opera**

Dallas, TX

\$25,000

To support a new production of Donizetti's *Anna Bolena*. Accompanying outreach activities will include lectures, panel discussions with the artists, and a radio broadcast on Classical WRR-FM.

**Des Moines Metro Opera, Inc.**

Indianola, IA

\$15,000

To support the Opera Iowa Touring Educational Troupe. The program will engage artists to reach students in underserved rural Midwestern schools.

**Florentine Opera Company, Inc.**

Milwaukee, WI

\$20,000

To support an audio recording and performances of *Elmer Gantry*, by composer Robert Aldridge and librettist Herschel Garfein. Naxos International will create a compact disc recording for release in November 2011 and digital tracks will be available for download.

**Gotham Chamber Opera, Inc.**

New York, NY

\$10,000

To support the commission, development, and premiere of *Dark Sisters*, by composer Nico Muhly and librettist Stephen Karam. The opera will serve as the centerpiece of the company's 10th anniversary season.

**Hawaii Opera Theatre**

Honolulu, HI

\$22,000

To support performances of Wagner's *Die Walküre (The Valkyrie)*. The production marks the first time that an opera from *The Ring* cycle will have been performed in the state, and it also will serve as a focal point for the company's 50th anniversary season.

**Houston Grand Opera Association, Inc.**

Houston, TX

\$30,000

To support performances of Puccini's *Tosca*. Educational components will include pre-performance lectures, teacher workshop events, and lecture presentations

**Lyric Opera of Kansas City, Inc.**

Kansas City, MO

\$15,000

To support performances of Verdi's *Rigoletto*. Education and outreach activities will accompany the performances.

**Madison Opera, Inc.**

Madison, WI

\$15,000

To support a production of *The Turn of the Screw*, by Benjamin Britten. The production continues the initiative recently established by the company to present chamber opera as an expansion of the mainstage performance series.

**Opera for the Young, Inc.**

Madison, WI

\$12,500

To support artists' fees for a multi-state tour of a new production of Gilbert and Sullivan's *The Pirates of Penzance*. Diane Garton Edie has condensed and adapted the operetta into a child-friendly version without sacrificing essential story line, language, or representative musical score.

**San Francisco Opera Association**

San Francisco, CA

\$100,000

To support Wagner's *Der Ring des Nibelungen* (*The Nibelung's Ring*). Educational outreach and enrichment activities will include an Insight panel discussion in San Francisco's Herbst Theater featuring members of the cast and production team and preview lectures that will be held at various venues throughout the Bay Area.

**Tulsa Opera, Inc.**

Tulsa, OK

\$16,500

To support a production of *Don Quichotte*, by Jules Massenet. Various community outreach activities will coincide with the production, such as small-scale preview performances in bookstores and churches featuring Studio Artists, pre-curtain lectures, and school programs.

Despite overwhelming support by the American public for spending federal tax dollars in support of the arts, the NEA has never recovered from a 40% budget cut in the mid-nineties, and its programs are seriously underfunded. **We urge you to continue towards restoration and increase the NEA funding allocation to \$180 million for FY11.**

On behalf of OPERA America, thank you for considering this request.

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**Testimony on behalf of the Town of Ophir**  
**Randy Barnes, Town Manager**  
**Joe Lawton, Mayor**  
**In Support of Land and Water Conservation Fund funding**  
**At Uncompahgre National Forest, Colorado**  
**U.S. Forest Service**  
**House Appropriations Committee**  
**Subcommittee on Interior, Environment, and Related Agencies**  
**The Honorable James Moran, Chairman**  
**The Honorable Michael Simpson, Ranking Member**

**March 12, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

We appreciate the opportunity to present this testimony in support of acquiring land at Uncompahgre National Forest in Colorado. An appropriation of \$4.3 million is needed in FY 2011 from the Land and Water Conservation Fund in order for the Forest Service to complete the acquisition of the 445 acres in Ophir Valley. We are pleased that the FY 2011 President's Budget included \$1 million for this project; however it can be completed this year with an appropriation of \$4.3 million.

Located in the heart of southwestern Colorado's San Juan Mountains, the Ophir Valley project area in the Uncompahgre National Forest is one of the San Juans' hidden gems. A short detour of only a mile off of Highway 145 -- part of the nationally acclaimed 236-mile San Juan Skyway Scenic Byway -- brings visitors into a compact valley ringed by 13,000 foot peaks and serrated ridge lines.

Against a backdrop of unsurpassed alpine scenery, the Ophir Valley offers an abundance of recreational opportunities for residents and visitors. Hiking, camping, mountain biking, cross-country skiing, four-wheeling and fishing are all popular pastimes. In addition, the valley supports habitat for the Canada lynx, a federally listed threatened species, and provides important habitat for the endangered Uncompahgre fritillary butterfly and other sensitive species. It also contains the headwaters of Howard Fork, a key tributary to the San Miguel River, which The Nature Conservancy has called "one of the last naturally functioning rivers in the West." The San Miguel sustains a globally rare narrowleaf cottonwood-Colorado blue spruce/black twinberry plant community.

While much of the Ophir Valley is in public ownership, the region's mining heritage also created hundreds of privately owned patented mining claims scattered across the landscape like matchsticks. These private inholdings once were vital to sustaining 19th-century efforts to find and extract mineral wealth. Now, however, at a time when hard rock mining in southwestern Colorado appears increasingly less viable economically, many former mining districts, such as Ophir, are seeing these private inholdings develop into sites for second homes. As a result, more and more of the Ophir

Valley's subalpine and alpine environments are at risk of being developed, potentially creating significant management issues for the U.S. Forest Service, fragmenting wildlife habitat and spoiling the scenic splendor and recreational opportunities so important to residents and visitors.

Currently, the Forest Service has the opportunity to acquire all of the remaining acres out of a total 1,145 acres of patented mining claims that had been under one ownership in the Ophir Valley. Prior to this acquisition effort, these claims represented approximately 90 percent of the valley's privately owned inholdings. Federal appropriations provided in previous years have allowed the Forest Service to begin acquiring these mining claims, and the requested \$4.3 million in FY 2011 will allow the agency to purchase the final 445 acres. This project resolves many land use and access conflicts that stem from the development of private inholdings within public lands, while promoting effective land management practices by the U.S. Forest Service. In particular, the ongoing acquisition protects critical habitat, maintains high-quality recreational opportunities on public lands, protects water quality and helps maintain the quality of life of the region's residents.

This protection effort is a natural extension of the successful Red Mountain project, located just to the north and east of the Ophir Valley along a different portion of the San Juan Skyway. It will also complement other land protection and recreation enhancement efforts along and adjacent to the San Juan Skyway, one of only 27 All-American Roads in the National Scenic Byway program. In recent years, for example, Great Outdoors Colorado Trust Fund has pledged \$5.7 million for land protection in the area. In FY 2011, an appropriation of \$4.3 million is needed to enable the Forest Service to complete the protection of these critical inholdings.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget and we support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, we also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

We want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Colorado, and we appreciate your consideration of this funding request.

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ANITA WINKLER, EXECUTIVE DIRECTOR  
OREGON WATER RESOURCES CONGRESS  
MARCH 19, 2010

I am Anita Winkler, Executive Director, Oregon Water Resources Congress. This testimony is submitted to the United States House of Representatives Committee on Appropriations Subcommittee on Interior and Related Agencies, regarding the FY2011 Budget for the U.S. Department of Interior Fish and Wildlife Service.

The Oregon Water Resources Congress (OWRC) was established in 1912 as a trade association to support member needs to protect water rights and encourage conservation and water management statewide. OWRC represents non-potable agriculture water suppliers in Oregon, primarily irrigation districts, as well as other special districts and local governments that deliver irrigation water. The association represents the entities that operate water management systems, including water supply reservoirs, canals, pipelines, and hydropower production.

**RE: FRIMA Program - U. S. Fish and Wildlife Service FY11 Request**

**Request**

The Oregon Water Resources Congress is requesting \$25 million for the full funding in FY11 for the U.S. Fish and Wildlife Service Fisheries Restoration Irrigation Mitigation (FRIMA) program as authorized in the Omnibus Public Lands Act P.L. 111-11, Section 13002. OWRC continues to be disappointed that the Administration has not requested any funding in the FY11 Budget submission for this program.

FRIMA created a new federal partnership fish screening and fish passage program in the Pacific Ocean drainage areas of Idaho, Oregon, Washington and western Montana, administered by the Fish and Wildlife Service and partnered through state fishery agencies.

The original legislation in 2000 (PL.106-502) was supported and requested by the Pacific Northwest Partnership, a coalition of local governmental entities in the four Northwest states. As one of the members of that coalition, we appreciate your consideration of this request.

**Need**

Our association has represented irrigation districts in Oregon since 1912. About half of those districts are affiliated with the U.S. Bureau of Reclamation. The remainder of the districts was not developed under the Reclamation program. There are over 200 irrigation districts in Oregon that provide water supplies to over one million acres of irrigated cropland in the state. Almost all of these districts are affected by either state or federal Endangered Species Act listings of Salmon and Steelhead, Bull Trout or other sensitive, threatened or endangered species.

Fish passage and fish screen needs have become critical to fishery protection:

- to keep protected fish species out of water canals and delivery systems;
- to allow fish to be safely bypassed around reservoirs and facility structures; and
- to eliminate water quality risks to fish species.

Oregon irrigation districts anticipate no less than \$500 million in funding will be required to develop fish passage and fish screen needs. Limited cost-share funds are available from the Oregon Watershed Enhanced Board (OWEB) program in Oregon, but primarily the cost-share for passage and screening needs has been provided by the districts and their water users. Although many districts already have screening facilities in place, requirements for screening have changed to meet federal agency requirements of the NOAA Fisheries Service and the Fish and Wildlife Service, driven by implementation of the federal Endangered Species Act (ESA) so that existing facilities must be upgraded at significant cost.

#### **Background of PL 106-502**

FRIMA was enacted November 2000, creating a voluntary cost-share fish screen construction program for water withdrawal projects in Idaho, Oregon, Washington and western Montana. The Fish and Wildlife Service is to implement this program through the fishery agencies in the four states. The funding is to go to local governments for construction of facilities. Irrigation districts and other local governments that divert water for irrigation can access the funding; individual irrigators can access funding through their local Soil and Water Conservation District (SWCD), which are local governments affiliated with the Natural Resources Conservation Service.

When Congress reauthorized the program in 2009 in the Omnibus Public Lands Act minor clarifying changes were made to the legislation while reauthorizing the program for five more years at \$25 million a year.

#### **Funding**

The legislation calls for \$25 million annually, to be divided among the four states from 2001 forward. The Service has never included funding in its budget requests since passage of the legislation. Congress provided the first funding in 2001 through a write-in of \$4 million to be shared among the four states. The agency did not get the program up and running until late 2002, so the first moneys were distributed then. In the following years, funding for FRIMA was provided as a Congressional write-in in each year. OWRC appreciates Congress' continued funding for the FRIMA program each year. That funding has begun to address the need for fish screens and fish passages to protect sensitive, threatened, and endangered fish species in the states in the Northwest but there still continues to be a significant need.

In 2000, in its report accompanying the legislation, the Congressional Budget Office (CBO) estimated outlays of \$70 million between 2001 and 2004. The actual appropriation was only \$8.8 million during that time period and all of the money was a write-in. For FY05, Congress provided \$2 million for the program in the Consolidated Appropriations Act and, \$2 million in FY06. The FY07 funding of \$1 million was part of an appropriation to the Fish and Wildlife Service but was not a separate, designated appropriation. As you can see from the total amount of money that Congress has written in for the program, such amounts are woefully inadequate for what was anticipated for the program, yet appreciated. The Administration did not request funding for the program for FY 09, consistent with its past budget submittals, despite widespread benefits from the money that Congress has provided.

A report by the U.S. Fish and Wildlife Service covering the program years FY2002-2004 provides state- by-state coverage of how the Congressional provided funding has been used in



the program. The program has been extremely beneficial in the State of Oregon. Funding funneled through the Service to state fishery agencies is distributed using an application and approval process that is based on a ranking system implemented uniformly among the states, including the following factors:

- fish restoration benefits,
- cost effectiveness, and
- feasibility of planned structure.

Each state is allocated 25% of the annual program funding. Agency administrative costs cannot exceed 6% of the funding.

#### **Project Benefits**

The project must provide improved fish passage or fish protection at water diversion structures and must benefit fish species native to and present in the area, including those listed on state or federal endangered species or conservation lists. The project must use applicable state and federal requirements for project construction and operation. Projects will increase the survival of many native fish species in a relatively short period of time. Compared to other recovery strategies, the risks posed by these activities are low and the assurance of success in increasing numbers of fish is high. Dislocation of existing social and economic activities is minor. Screening and passage can make a very substantial contribution utilizing existing implementation mechanisms and methods well accepted by landowners and rural communities.

#### **Cost Share**

FRIMA provides for a maximum federal cost-share of 65%. The applicant's cost-share is 35% plus the on-going maintenance and support of the structure for passage or screening purposes. Applicants operate the projects and the state agencies monitor and review the projects. For more information, see the Services' Fisheries Resources website for the Pacific Region at <http://www.fws.gov/pacific/Fisheries/FRIMA>. This program is headquartered in the Portland, Oregon regional office of the Service.

#### **Oregon's Project Benefits**

Twenty-five fish screens or fish passage projects in Oregon have been funded using funding from FRIMA for part of the project since the start of the FRIMA program. In addition, the Oregon Department of Fish and Wildlife has used some of the FRIMA funding to develop and inventory of need for fish screens and passages in the state. Grants have ranged from just over \$23,000 to \$400,000 in size with a local match averaging 51.4%, well over the amount required under the Act. In other words, each federal dollar invested in the FRIMA program generates a local investment of just over one dollar for the protection of fish species in the Pacific Northwest.

The following are examples of how Oregon has used some of its FRIMA money:

**Santiam Water Control District Project:** Fish screen project on a large 1050 cubic feet per second (cfs) multipurpose water diversion project on the Santiam River (Willamette Basin) near Stayton, Oregon. Partners are the Santiam Water Control District, Oregon Department of Fish and Wildlife, Marion Soil and Water Conservation District, and the City of Stayton. Approved

**FRIMA** funding of **\$400,000** leverages a **\$1,200,000** project. Species benefited include winter steelhead, spring Chinook, rainbow trout, and cutthroat trout.

**South Fork Little Butte Creek:** Fish screen and fish passage project on a 65 cfs irrigation water diversion in the Rogue River Basin near Medford, Oregon. Partners are the Medford Irrigation District and Oregon Department of Fish and Wildlife. Approved **FRIMA** funding is **\$372,000** and leverages a **\$580,000** total project cost. Species benefited include listed summer and winter steelhead, coho salmon, and cutthroat trout.

**Running Y (Geary Diversion) Project:** Fish screen project on a 60 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Wocus Drainage District, Oregon Department of Fish and Wildlife, and Jeld-Wen Ranches. Approved **FRIMA** funding of **\$44,727** leveraged a total project cost of **\$149,000**. Species benefited included listed red-band trout and short-nosed sucker.

**Lakeshore Gardens Project:** Fish screen project on a 2 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Lakeshore Gardens Drainage District and Oregon Department of Fish and Wildlife. Approved **FRIMA** funding is **\$5,691**, leveraging a total project cost of **\$18,970**. Species benefited include red-band trout, short-nosed sucker and Lost River sucker.

**Oregon Department of Fish and Wildlife Inventory Project:** Inventory to be conducted by Oregon Department of Fish and Wildlife to identify FRIMA-eligible passage and screening projects within the Rogue and Klamath basins of southwestern Oregon. Approved **FRIMA** funding is **\$76,000**. Estimated total project cost is **\$125,000**.

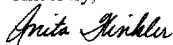
#### **Why Fund Now**

Dollar-for-dollar, providing screening and fish passage at diversions is one of the most cost-effective uses of restoration dollars, creating fishery protection at low cost, with low risk and significant benefits. That is why it is important that this program be funded now.

We urge the full authorization funding of \$25 million for FY 2011 and urge Congress' oversight in encouraging the Service to budget for this successful program in the future.

In closing, OWRC would offer the suggestion that the FRIMA program is a perfect conduit for a program that could use funding made available through future American Recovery and Reinvestment Act type approaches to address real world needs in an environmentally sound manner while putting people to work. It is also a further example of the type of program that could be included on a list of environmental programs that could be eligible for funding from any future legislation or programs looking to address climate adaption. Thank you for the opportunity to provide this statement for the hearing record.

Sincerely,

  
Anita Winkler  
Executive Director

**Jennifer Coulson  
President and Conservation Chair  
Orleans Audubon Society, Inc.**

**Testimony In Support of Land and Water Conservation Fund funding  
At Jean Lafitte National Historical Park and Preserve, Louisiana  
National Park Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of acquiring land at Jean Lafitte National Historical Park and Preserve in Louisiana. An appropriation of \$2 million in FY 2011 from the Land and Water Conservation Fund is needed towards National Park Service acquisition of the Fleming Plantation property in Jefferson Parish.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

The Orleans Audubon Society has had a long-term interest in the Jean Lafitte National Historical Park and Preserve and its unique wetlands. We testified before Congress urging the creation of the park. One of our members, Frank Ehret, Jr., is known as the "Father of the Park" for his tireless and relentless efforts to make the park a reality. We also successfully sued developers for violations of the Clean Water Act which occurred within the authorized boundary. Most recently, we lobbied to expand the boundary of the park, enlisting the help of National Audubon Society's Public Policy Office. The boundary was expanded with the passage of the 2009 Omnibus Public Lands Act.

Encompassing six separate units in south Louisiana, Jean Lafitte National Historical Park and Preserve boasts a wealth of historical, cultural, and environmental resources. In addition to a visitor center in the famed French Quarter of New Orleans, the park units include three Acadian cultural centers. These centers share the stories and customs of the Acadians who came to be called Cajuns following their migration from French Canada to Louisiana. The Cajuns today are renowned for their music, their food, and their ability to hold on to tradition while making the most of the present.

Also located within the park is the Chalmette Battlefield, site of the January 8, 1815 Battle of New Orleans, commonly regarded as the last great battle of the War of 1812. On the battlefield grounds stands Chalmette Monument, which pays tribute to the troops who fought there. Along what remains of Rodriguez Canal is a re-creation of the rampart that protected American troops from the British army as well as cannons dating from the period and newer replicas.

A flagship unit of the Jean Lafitte National Historic Park and Preserve is the Barataria Preserve: 20,000 acres of bayous and swamps located near Marrero, just south of New Orleans. The preserve offers a multitude of recreational opportunities, including kayaking, canoeing, bird watching, hunting, and fishing. Visitors there can enjoy an historic swampland environment within a very short drive of New Orleans. They also have the opportunity to learn more about the vital role wetlands play in protecting coastal areas.

Within the recently expanded boundaries of the Barataria Preserve lies the Fleming Plantation: 4,000 acres of magnificent bayous, bottomland hardwood, and marsh. The landowner was willing to include the property in the recently passed expansion of the park and is now willing to sell it to the Park Service. The Fleming Plantation was one of the region's largest and most productive 19th century sugar plantations. One of the property's most notable features is the Fleming Cemetery. Also known as the Berthoud Cemetery, it contains a large Indian shell mound hidden on the bank of Bayou Barataria near the plantation house. The Indian mound dates as far back as 500 BC. Based on archeological research, the presumed function of this prehistoric site was that of a ceremonial center and village. In addition to the cemetery, the property has a large one-story Creole cottage that was likely one of the early plantation buildings. There are also remains of the plantation sugarhouse—a tall brick chimney, covered in vines, standing out amidst the large oak trees.

This land acquisition project has unprecedented support from local communities, government, ecotourism groups, including bird watchers, and from environmental organizations. The following support the Fleming Plantation land acquisition project: Orleans Audubon Society, Baton Rouge Audubon Society, Jefferson Parish Council of Garden Clubs, Better Swamps and Gardens, Louisiana Ornithological Society, Gulf Restoration Network, Lake Pontchartrain Basin Foundation, Coalition to Restore Coastal Louisiana, Woodlands Trail and Park, The Nature Conservancy of Louisiana, Louisiana Wildlife Federation, Inc., League of Women Voters of Louisiana, Louisiana Audubon Council, National Audubon Society's Louisiana Important Bird Areas Program, Gulf

Coast Initiative of the National Audubon Society, Baton Rouge Audubon Society, Delta Chapter of Sierra Club (Louisiana), and Mayor Tim Kerner, Town of Jean Lafitte.

Acquisition of the Fleming Plantation would preserve an important historic and ecological site and would lead to the restoration of marshland on the property to absorb storm surges. Leaving the property in its current state would perpetuate the existing threats from hurricanes to natural areas as well as to developed areas of New Orleans. The property hosts an abundance of migratory waterfowl, and within its view-shed is Myrtle Grove, the site of the state's first intended diversion project. Consequently, acquiring this land would link the state's greater coastal protection and diversion building effort. This will help protect the Louisiana coast and create marsh habitat that would reduce potential damage from hurricane storm surges.

An appropriation of \$2,000,000 from the Land and Water Conservation Fund in FY 2011 is needed towards National Park Service acquisition of the 4,000-acre Fleming Plantation. Adding this historic terrain to the Jean Lafitte National Historic Park would permanently protect this large environmentally and historically important property.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Louisiana, and I appreciate your consideration of this funding request.

TESTIMONY OF DR. GREGORY MILLER, VICE CHAIRMAN, OUTDOOR ALLIANCE  
UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR,  
ENVIRONMENT AND RELATED AGENCIES  
PUBLIC WITNESS HEARING, MARCH 26, 2010

**Executive Summary of Outdoor Alliance's FY2011 Budget Recommendations:**

<b>Agency</b>	<b>Program and Funding Recommendations</b>
<i>United States Department of Agriculture Forest Service</i>	<ul style="list-style-type: none"> <li>• Recreation Management, Heritage and Wilderness: \$301.4 million;</li> <li>• Capital Improvements &amp; Maintenance/Trails: \$131 million; and</li> <li>• Legacy Roads and Trails Remediation Program: \$150 million.</li> </ul>
<i>Department of the Interior Bureau of Land Management</i>	<ul style="list-style-type: none"> <li>• National Landscape Conservation System: \$79 million.</li> </ul>
<i>Department of the Interior National Park Service</i>	<ul style="list-style-type: none"> <li>• Park Operations: \$2.3 billion; and</li> <li>• Rivers, Trails and Conservation Assistance program: \$12 million.</li> </ul>
<i>Department of the Interior US Fish &amp; Wildlife Service</i>	<ul style="list-style-type: none"> <li>• National Wildlife Refuge System: \$500.6 million.</li> </ul>
<i>Department of the Interior DOI and USDA Jointly</i>	<ul style="list-style-type: none"> <li>• Youth in Natural Resources Programs: \$45.4 million.</li> <li>• Federal LWCF (all agencies): \$425 million;</li> <li>• Stateside LWCF (NPS): \$175 million;</li> <li>• Forest Legacy Program: \$150 million; and</li> <li>• FLAME Reserve Fund: \$500 million.</li> </ul>

My name is Gregory Miller and I serve as the President of the American Hiking Society and Vice Chairman of the Outdoor Alliance. Outdoor Alliance (OA) is a coalition of six national, member-based organizations devoted to conservation and stewardship of our nation's public lands and waters through responsible human-powered outdoor recreation. OA includes: Access Fund, American Canoe Association, American Hiking Society, American Whitewater, International Mountain Bicycling Association, and Winter Wildlands Alliance, and represents the interests of millions Americans who hike, paddle, climb, mountain bike, ski and snow shoe on our nations public lands and waters. Our collective direct membership is over 100,000, and we have a network of almost 1,400 clubs covering every state in the Union.

OA supports a common sense budget approach that will adequately fund essential Department of the Interior and Department of Agriculture resource analyses and planning processes, environmental education, conservation, maintenance, and appropriate upgrades vital to our outdoor heritage. We heartily endorse more public participation in setting priorities for maintaining developed recreational sites and the surrounding ecosystems that enable and enhance our outdoor pursuits, and which support the \$730 billion annual outdoor recreation economy.<sup>1</sup> In addition, we encourage continued development of volunteer and stewardship opportunities for families and youth across our treasured landscapes. To achieve these goals, we offer the following budget recommendations for Fiscal Year 2011.

<sup>1</sup> The Active Outdoor Recreation Economy, Outdoor Industry Foundation, Fall 2006.

*Testimony of Gregory Miller, Outdoor Alliance*  
*Page 2 of 4*

**United States Department of Agriculture - Forest Service**

**Recreation, Heritage and Wilderness Programs** comprise the most widespread use of National Forest lands, and yet these programs are chronically under-funded and understaffed. In light of passage of the FLAME Act in 2009, establishing a dedicated fund to address rising costs of emergency wildfires and eliminate the need to transfer funds from non-fire programs such as Recreation, Heritage and Wilderness, OA supports the allocation of \$301.4 million for these programs which includes \$16.5 million for Wild and Scenic Rivers. This amount will permit the Forest Service to care for resources and facilities, augment on-the-ground staff, and improve recreation resource analyses and planning. Additionally, this funding level will assist in leveraging partnerships with the human-powered recreation community, who devote many thousands of volunteer hours to conservation and stewardship projects across the National Forest System.

Outdoor Alliance applauds the USDA Forest Service leadership's commitment to restoration-focused management of our national forests. Intensive resource extraction, catastrophic wildfires, and climate-change driven biotic invasions and die-offs have contributed to a decline in the health of our forests and watersheds, and degradation of recreation facilities. Serving over 50 million visitors annually, who participate in activities such as cross-country skiing, hiking, and mountain biking across 153,000 miles of trails, climbing routes and river access, the Forest Service struggles with maintenance backlogs in the billions of dollars. OA believes that \$131 million in FY11 for **Capital Improvements and Maintenance for Trails** will reduce deferred maintenance backlogs, improve non-motorized trail infrastructure, mitigate resource impacts, and provide safe, high-quality recreational experiences for millions of Americans.

Since its creation in 2007, the **Legacy Roads and Trails Remediation Fund** has spent \$179.4 million to improve over 12,000 acres of watershed, maintain 3,170 miles of trails, improve 5,304 miles of authorized roads, and decommission 2,200 miles of unauthorized roads. To the recreating public, the provision of safe, designated access is a fundamental responsibility of the Forest Service. As a critical component of restoration-focused management, the Forest Service should ensure that Legacy Roads funding is not used for maintenance of unauthorized roads while Travel Management Plans are being finalized. OA supports the permanent authorization of Legacy Roads and recommends that it be funded at \$150 million in FY11, including \$30 million in planning funds.

**United States Department of the Interior - Bureau of Land Management**

The **National Landscape Conservation System (NLCS)** comprises 26 million acres of unique and historic treasured landscapes in the American West, and which are an integral part of the lives of millions of Americans. One of the most significant management challenges for NLCS units is rapid population growth in the West and the associated increase in demand for access to these lands. In 2011, 57 million visitors are expected to participate in recreational activities such as wildlife watching, hiking, camping, hunting, and whitewater paddling on these landscapes. Though the NLCS contains only 10% of BLM's total holdings, it accounts for more than one-third of the BLM's total recreational use and more than one-half of its total recreational fee collections. OA recommends an allocation of \$79 million to offset increasing maintenance and visitor use costs including law enforcement, implementation of Transportation Management Plans, and coordination and management of volunteers who dedicate thousands of hours each year to NLCS units. In addition, we support the creation of specific budget sub-activity accounts

*Testimony of Gregory Miller, Outdoor Alliance*  
*Page 3 of 4*

for all the specially-designated places the NLCS contains – including Wild and Scenic Rivers and National Scenic and Historic Trails.

**United States Department of the Interior - National Park Service**

Our National Parks offer an array of rewarding opportunities for much needed respite, reflection, and outdoor recreation to the American public. OA supports the President's proposed FY11 appropriation of \$2.3 billion for **the operation and maintenance of our national parks**, including \$588 million for **Recreation Programs** and \$7 million for **Wild and Scenic Rivers**.

For over 20 years, the **Rivers, Trails and Conservation Assistance (RTCA) Program** has been helping people build parks and trails and preserve open space and river corridors in their communities. A technical assistance program of the National Park Service, RTCA leverages federal funding by assisting locally-led conservation and outdoor recreation projects across the country to create important community infrastructure, encourage volunteerism and environmental stewardship, and connect families and children to close-to-home recreation opportunities. In 2009, RTCA assisted more than 250 community partners to conserve 2664 miles of river and 87,385 acres of open space, and to create 3441 miles of trails. OA believes that an appropriation of \$12 million for FY11 would allow this essential capacity-building program to continue current projects without interruption, restore recent cuts, put staff closer to the people they serve, and meet the outstanding requests from communities around the nation.

**Department of Interior – US Fish & Wildlife Service**

The **National Wildlife Refuge System (NWRS)** is the world's most extensive network of public lands devoted to the conservation of wildlife habitat and wildlife species. With approximately 2,500 miles of land and water trails and 40 million visitors annually, the NWRS offers close-to-home wildlife-dependent recreation opportunities including hunting, fishing, wildlife observation, photography, and education. Generating \$1.7 billion in total economic activity during fiscal year 2006, refuges support 27,000 private sector jobs and \$185.3 million in tax revenue at the local, county, state and federal level.<sup>2</sup> During these challenging fiscal times, the value of refuges to local and national economic recovery is clear. OA supports the President's appropriation with a slight increase for **Wild and Scenic Rivers**, for a total of \$500.6 million for the NWRS in FY11.

**Department of the Interior – Youth in Natural Resources**

Outdoor Alliance heartily endorses the Department of the Interior's **Youth in Natural Resources Program**, which aims to educate and employ thousands of youth to protect our nation's natural and cultural resources. We support the President's proposed FY11 budget of \$45.4 million, which will help instill a life-long appreciation for and commitment to protect, preserve and enjoy America's lands, waters and cultural heritage.

**Department of the Interior and Department of Agriculture**

**Wild and Scenic Rivers** offer Americans some of the best outdoor recreation opportunities on federal lands. Explicitly funding Wild and Scenic River program staff and activities within each agency would: (1) support the development of management plans for recently designated rivers and the revision of out-of-date plans; (2) enable proper administration of the Wild and Scenic

<sup>2</sup> Banking on Nature 2006: The Economic Benefits to Local Communities of National Wildlife Refuge Visitation.



*Testimony of Gregory Miller, Outdoor Alliance*  
*Page 4 of 4*

Rivers; (3) build a legacy of protected rivers through the Act's inventory and study processes; and (4) support participation in the interagency Wild and Scenic Rivers Council, which would include training and collaboration with partner agencies and organizations. To accomplish these tasks, we recommend the following appropriations:

<b>Activities by Agency</b>	<b>USFS</b>	<b>NPS</b>	<b>BLM</b>	<b>USFWS</b>
River Management Plan Development	3.659	2.300	1.507	0.246
Designated River Administration	11.000	3.605	4.529	0.740
Assessment of Potential Additions	1.458	0.66	1.487	0.722
Interagency Council Participation	0.400	0.400	0.400	0.400
<b>Agency Totals (in Millions of Dollars)</b>	<b>16.517</b>	<b>6.965</b>	<b>7.923</b>	<b>2.108</b>

#### **Cross-Cutting Programs**

The **Land and Water Conservation Fund (LWCF)** Act of 1965 directed Congress to allocate royalties from offshore oil and gas development for the purchase of land, waterways, wetlands, and other resource lands and to provide matching grant assistance for state and local projects. These landscapes offer significant environmental, economic and cultural benefits: clean drinking water and protected fisheries; protection from wildfires and flooding; tourism dollars in rural communities; and access to out-of-doors recreation opportunities to re-invigorate the minds and the bodies of American families and children, to name a few. OA applauds the subcommittee for increases in LWCF funding in the FY10 Interior Appropriations bill, and we support the President's stated goal of fully funding the LWCF by 2014. We respectfully suggest that the subcommittee fund federal LWCF at \$425 million and stateside LWCF at \$175 million in FY11.

The **Forest Legacy Program (FLP)**, created in 1990 by Congress and administered by the Forest Service, helps to preserve working forestlands threatened by development. Leveraging federal funds with state and private monies, it permanently protects forested properties by direct fee title purchase or through conservation easements. Landowners and communities retain ownership of forest lands and continue to earn income from these resources through sustainable timber harvesting, while preserving open space, wildlife habitat, clean water, and opportunities for public recreation. To date, the FLP has protected 2 million acres in 42 states and Puerto Rico with a total of \$456 million in federal funds matched by non-federal funds and donations worth over \$1 billion. We recommend the allocation of \$150 million for the FLP in FY11.

OA applauds Congress for passage of the **Federal Land Assistance, Management and Enhancement Act (FLAME Act)** in 2009, which ended the stranglehold that emergency wildfire suppression costs were having on federal agency budgets. We object, however, to the Administration's proposal for a new Wildland Fire Contingency Reserve as it is duplicative of the FLAME fund and requires a Presidential declaration to be accessed. The FLAME Act clearly delineates the partitioning, funding and management of the emergency fire suppression account. OA encourages appropriators to reaffirm their support for the Act by funding only the FLAME accounts; continuing to provide direction to the agencies to develop FLAME and 'regular' suppression funding estimates based on an accurate, predictive model rather than the outdated rolling 10-year average; and considering an appropriation of \$500 million in FY11.

\* \* \*

Thank you for considering these suggestions.

WRITTEN TESTIMONY SUBMITTED TO THE HOUSE APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

NAME: Steve Massey

TITLE AND AFFILIATION: President, Pelican Island Preservation Society

AGENCY: U.S. Fish and Wildlife Service

PROGRAM: National Wildlife Refuge System

REQUEST: (1) Increase operations and maintenance funding to \$578million in FY2011  
(2) Provide \$100million of LWCF funding for land acquisition for  
the refuge

System in FY2011

I represent the Pelican Island Preservation Society, an all volunteer group with over 350 members whose mission is to support the Pelican Island National Wildlife Refuge. Our organization is greatly concerned about the major funding deficit for operations and maintenance (O&M) facing the National Wildlife Refuge System (NWRS) and the severe impact this is having on the Pelican Island National Wildlife Refuge and other refuges in the system. Our request is that O&M funding be increased to \$578million in FY2011.

I wish to thank the Subcommittee for your strong support over the past three fiscal years in recommending meaningful increases in funding for the NWRS. Those increases have served to partially stabilize a critical funding deficit which resulted in major losses of personnel and a significant loss of capability to manage refuges. While the increases have provided some relief, major funding problems still exist and sizeable annual increases in O&M funding must be forthcoming if the system is ever to reach its full potential. In fact, the Administration's budget request represents a cut in O&M funding compared to FY2010. Essentially, the funding level requested represents a \$18.3million step backward in terms of spending power.

Inadequate funding has historically severely hampered the ability of the Fish and Wildlife Service to effectively manage refuges. The current backlog of approximately \$3.7billion in operations and maintenance needs is a direct result of many decades of neglect in the budgetary arena. This backlog must be addressed in an aggressive manner.

On our local level, inadequate funding has significantly affected refuge management programs. A central staff currently manages three refuges - Pelican Island, Archie Carr, and Lake Wales Ridge. In 2003 the staff reached its record high level of six permanent full time employees plus temporaries. As a result of the funding crunch, the staff was reduced to two permanent positions. Recent funding increases have allowed increasing the staff to three permanent full time employees and two term employees. Five employees to manage three refuges, two of which are urban in nature, simply doesn't provide the manpower needed to do an acceptable job of refuge management. No one on

the staff has law enforcement authority which makes it very difficult to protect refuge resources. To complicate management problems, Lake Wales Ridge is located 100 miles (a two hour drive) from the refuge office in Vero Beach. No one is stationed at Lake Wales Ridge.

The role that refuges can play in helping to alleviate current economic problems should not be overlooked. There are major economic factors associated with the management of refuges. The NWRS attracts 41 million visitors annually who generate over \$1.7billion for local economies, including 27,000 jobs and approximately \$543million in employment income. Further, on the average refuges return \$4 of economic activity for each \$1 appropriated for their operation. Continued underfunding of refuges will result in negative impacts on local economies - something to consider during the tough economic times facing our country.

Invasive species are a major problem facing refuge managers. Despite added emphasis on identification and control, valuable wildlife habitats continue to be lost. We urge the Subcommittee to continue its strong support for the control of invasive species.

I urge the Subcommittee to support an allocation of \$100million to the Fish and Wildlife Service budget for land acquisition through the Land and Water Conservation Fund. The acquisition of important habitat for endangered species and other fish and wildlife has been severely reduced in recent years due to very low allocations. The increased funding level in FY2010 represents a turn in the right direction; however, we need to build on that and then maintain a sustained funding level in the area of \$100million into the future.

In summary, the NWRS is facing a severe funding deficit which should be addressed in an aggressive manner. I ask that the Subcommittee support increased O&M funding for the NWRS to \$578million in FY2011. Further, I ask that the Subcommittee support an allocation of \$100million from the LWCF for refuge land acquisition in FY2011.

Written Statement of Roche Schulfer, Chair, Performing Arts Alliance

**Subcommittee on Interior, Environment, and Related Agencies**  
Committee on Appropriations | United States House of Representatives

**The Importance of Funding for the National Endowment for the Arts (NEA)**  
**March 19, 2010**

We urge the Committee to designate a total of \$180 million to the National Endowment for the Arts (NEA) for Fiscal Year 2011. Mr. Chairman and distinguished members of the subcommittee, I am grateful for this opportunity to submit testimony on behalf of the Performing Arts Alliance and its member organizations – American Music Center, Association of Performing Arts Presenters, Chorus America, Dance/USA, Fractured Atlas, League of American Orchestras, National Alliance for Musical Theatre, National Performance Network, OPERA America, and Theatre Communications Group. The Performing Arts Alliance is a national network of more than 18,000 organizational and individual members comprising the professional, nonprofit performing arts and presenting fields. For more than 30 years, the Performing Arts Alliance has advocated for national policies that recognize, enhance, and foster the contributions the performing arts make to America.

**This testimony is intended to highlight the importance of the federal investment in the arts in order to sustain a vibrant cultural community. With more funding, the NEA's core programs could more efficiently bring the best in the arts to all Americans:**

- Additional funds would allow the size of individual grants to increase, after having steadily declined since the NEA's budget was cut by 40% in FY 1996.
- Inadequate funding has caused many high-quality grant applications to go unfunded.

**The NEA increases opportunities for the American public to enjoy and benefit from the performing arts.** Since the establishment of the NEA in 1965, access to the performing arts has improved in communities large and small across the country. The NEA has helped foster the development of the many regional theatres, opera companies, dance companies, orchestras, and performing arts centers that Americans now enjoy. Despite diminished resources, the NEA awards more than 1,700 grants annually to nonprofit arts organizations for projects that encourage artistic creativity, provide lifelong learning opportunities, and engage audiences in the finest the arts have to offer. This modest public investment in the nation's cultural life has resulted in both new and classic works of art reaching all fifty states.

**With additional funding, the NEA could do more.** The NEA has never recovered from a 40% budget cut in FY 1996 and has resulted in the underfunding of its programs. We are appreciative of the increased support this Subcommittee provided for the NEA last year and are already seeing benefits of increased access to public performing art organizations and artists across the country. The live arts bring communities together, encourage dialogue, and provide innovation and education opportunities to generations of Americans.

**The Nonprofit Performing Arts Community**

The following member profiles of the Performing Arts Alliance, which include national service organizations representing new music, arts presenting, chorus, dance, musical theatre, opera, orchestras, and theatre fields, exemplify the economic, educational, and quality of life benefits that performing arts organizations bring to communities across the country.

### **New Music**

American Music Center (AMC) is dedicated to building a national community of artists, organizations, and audiences, creating, performing, and enjoying new American music. Since its founding in 1939, AMC has been a leader in providing field-wide advocacy, support, and connection. AMC supports the community by making grants to composers and ensembles each year and by offering professional development resources for new music professionals. AMC connects the community through an array of information services and through engagement with the broader performing arts field, providing benefits and services for nearly 2,400 members in all fifty states and twenty-five countries around the world.

### **Arts Presenters**

Performing arts presenters bring professional performing artists from all over the world into the communities they serve. They include organizations such as performing arts centers in major urban cities, academic institutions, artists, artist managers, agents, local arts agencies, touring artists and companies, and festivals and fairs. Arts presenters facilitate the interaction between artists and audiences, support the creation and touring of new works, and are civically engaged in their communities. The Association of Performing Arts Presenters (Arts Presenters), a national service and advocacy organization, represents an industry of more than 7,000 nonprofit and for-profit organizations, with members hailing from all 50 states and 28 countries on six continents across the globe. Arts Presenters' members bring performances to more than 2 million audience-goers each week and spend in excess of \$2.5 billion dollars annually, and the field of presenters serves more than 6 million audience members every week. Their membership includes a range of organizations from very small presenting groups (under \$50,000 budgets) to multi-million dollar budgets and individuals who are artists or performing arts professionals, representing a diversity of fields, which include all forms of dance, music, theatre, family programming, puppetry, circus, magic, attractions, and performance art.

### **Chorus**

Chorus America's mission is to build a dynamic and inclusive choral community so that more people are transformed by the beauty and power of choral singing. Chorus America strengthens choral organizations and provides their leaders with information, research, leadership development, professional training, and advocacy to help them deliver the best possible contributions to their communities and to the choral art. The more than 1,600 choruses, individuals, and businesses that are members of Chorus America speak with a strong and unified voice to increase recognition of choral singing as an essential part of society.

### **Dance**

There are now over 600 fully professional dance companies in the U.S. But only 15% of the United States' major professional dance companies are 45 years old or more. As an established art form with national identity and presence, dance has burst onto the scene almost entirely within living memory. And yet, the U.S. can boast some of the great dance companies in the world. The key to this spectacular achievement was the creation of a national marketplace for dance, especially in the 1970s and 1980s. When the NEA instituted its Dance Touring Program in the 1970s, great dance became accessible to every community in the U.S. NEA programs have continued to ensure that the best of American dance is for all of the U.S. and a showpiece for the rest of the world as well. In addition to the more than 600 professional dance companies, the U.S. has over one thousand pre-professional and semi-professional groups. Based on a 2008

survey conducted by Dance/USA of 145 companies with expense budgets of \$500,000 or more, these 145 dance companies: employed over 7,000 people in a mix of full-time and part-time positions, performed for total home audiences of nearly 4 million people, paid approximately \$321.4 million in wages and benefits, and received \$10.4 million from state, local, and government contributions, representing only 2% of total income.

#### **Fractured Atlas**

Fractured Atlas is a nonprofit organization that serves a national community of artists and arts organizations. Their programs and services facilitate the creation of art by offering vital support to the artists who produce it, and they help artists and arts organizations function more effectively as businesses by providing access to funding, healthcare, education, and more, all in a context that honors their individuality and spirit. Their fiscal sponsorship program has grown from six local groups to over 1,800 nationally, and in 2010 their membership topped 11,000 artists and arts organizations, with an expanded audience of 110,000 through their Open Arts Network. Fractured Atlas has been an arts industry leader in the use of technology to address challenges facing the arts community, share information and resources, and empower arts organizations with practical tools for managing their operations.

#### **Musical Theatre**

National Alliance for Musical Theatre (NAMT) is the national service organization dedicated exclusively to musical theatre and serving some of the leading musical theatre producers in the world. Last season, NAMT members collectively staged over 25,000 performances attended by over 13 million people, employed 13,000 people, and provided education programs for over 1 million students and teachers. NAMT has presented its Festival of New Musicals annually since 1989, bringing together theatre producers and writers, with the goal of furthering the development and production of new musicals. NAMT's Festival has showcased over 300 writers and 200 new musicals, which have had thousands of subsequent productions worldwide.

#### **National Performance Network**

The National Performance Network (NPN) is a group of diverse cultural organizers, including artists, working to create meaningful partnerships and to provide leadership that enables the practice and public experience of the contemporary arts in the U.S. As a nationwide network, NPN functions as an applied learning community. NPN's resources currently support and connect 61 performing arts organizations, called NPN Partners, in over 36 cities across the country. The NPN constituency ranges from two-person operations to multi-million dollar arts centers. NPN Partners are ethnically, culturally, and stylistically diverse and reflect a cross-section of urban, suburban, and rural communities that are generally under-represented. More than 425,000 audience members have attended NPN-sponsored performances and over 285,000 people have participated in NPN residency activities.

#### **Opera**

OPERA America members are found in communities all across the country - a total of 117 companies in 43 states. In the U.S., over half of these companies were established after 1970, and one quarter of the total were established since 1980, making the growth of opera throughout North America a relatively new phenomenon. American opera companies are well-known for their innovative and exemplary education and outreach programs, many of which are funded in part with NEA grants. Virtually all U.S. opera companies run such programs in their communities. Opera companies help fill the void left by discontinued arts education in many

public school systems and can help young people communicate the realities of their lives via disciplined artistic expression. The audience for education and community programs served by U.S. and Canadian companies during the 2007-08 season totaled over 2.2 million people. All together, the opera companies of America provide more than 55,000 jobs each year and had expense budgets over \$826 million for the 2007-08 season.

#### **Orchestras**

In its more than 40-year history, the NEA has provided invaluable leadership and support for musicians, orchestras, and the communities they serve through direct grants, support to state arts agencies, and national leadership initiatives. Supported by a network of musicians, volunteers, administrators, and community leaders, America's adult, youth, and college orchestras total more than 1,800, existing in every state and territory, in cities and rural areas alike. More than half a million individuals are involved in orchestras, including conductors, staff, board members, musicians, and volunteers. The NEA's FY 2009 grants to organizations included 119 grants to orchestras and the communities they serve, supporting arts education for children and adults, expanding public access to performances, preserving great classical works, and fostering the creative endeavors of contemporary classical musicians, composers, and conductors. In addition to concerts, orchestras offer more than 40 different kinds of programs for their communities, including pre-school programs, in-depth, multi-year community residencies, long-term partnerships with schools, instrumental instruction, educational classes for seniors, and programs in hospitals and libraries.

#### **Theatre**

In 1961, nonprofit theatre in America consisted of only 16 theatre companies. Today, thanks in large part to the pivotal role played by the NEA, the number of theatre companies is estimated to be more than 1,900. Almost every Pulitzer Prize winning play since 1976 originated at an NEA-funded theatre. Theatre Communications Group (TCG), the national organization for the American nonprofit theatre, reports that the estimated 1,919 theatres in the U.S. employ more than 131,000 workers – actors, directors, playwrights, designers, administrators, and technicians – and constitute a more than \$1.9 billion industry. Collectively, these theatres are estimated to have offered 202,000 performances that attracted 32 million patrons. TCG offers grants to theatres and theatre artists, conducts research on the health of the nonprofit theatre field, convenes various meetings around the country to bring theatre professionals together, serves as the U.S. Center of the International Theatre Institute to promote international cultural exchange, produces a wide array of publications about and for the theatre field, and serves as the primary national advocate for the nonprofit professional theatre field. Based on recent surveys of 196 nonprofit theatres, TCG reports that over 1,200 outreach and educational programs are in existence today, serving over 2.7 million people – including a large number of at-risk children.

#### **Conclusion**

Performing arts organizations are a vital component of community life, allowing citizens to appreciate our nation's culture and heritage through excellent artistic programming. The arts illuminate the human condition, our history, contemporary issues, and our future. The NEA is an investment that realizes significant returns on the federal dollars invested, both measurable and intangible. We urge you to designate not less than \$180 million to the NEA. Thank you for your consideration of our request.

**Testimony of Thomas A. Morganthau  
In Support of Land and Water Conservation Fund funding  
At Delaware Water Gap National Recreation Area, Pennsylvania  
National Park Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of acquiring land at Delaware Water Gap National Recreation Area in Pennsylvania. An appropriation of \$2.95 million is needed in FY 2011 from the Land and Water Conservation Fund in order for the National Park Service to acquire the 167-acre Mosiers Knob property.

I am president of Pocono Heritage Land Trust, a nonprofit conservation group based in Monroe County, Pa. The land trust was founded in 1984 to preserve environmentally sensitive lands in the Pocono region of northeastern Pennsylvania, and it plays an active role in open-space protection programs funded by Monroe County and the Pennsylvania Department of Conservation and Natural Resources. As of March 2010 Pocono Heritage Land Trust owns or holds conservation easements (protection agreements) on 11 separate properties totaling more than 3,000 acres of land in Monroe and Lackawanna counties, Pa. PHLT strongly supports the effort to purchase additional acreage for the Delaware Water Gap National Recreation Area in the vicinity of Shawnee-on-Delaware, Pa.

The Delaware Water Gap National Recreation Area is a natural and recreational treasure in the mid-Atlantic section of the Appalachian Mountains. At roughly 70,000 acres, it is the largest national park unit between Maine and Virginia. The park's proximity to the metropolitan areas of northern New Jersey, New York City, and Philadelphia attracts more than five million visitors annually. Attractions include scenic viewpoints along major thoroughfares, hiking, biking, hunting, fishing, camping, and many opportunities to learn about the many historical and cultural sites in the park. The park also includes 27 miles of the Appalachian Trail.

Within the park boundary, there are a number of privately owned properties that face potential development. Acquisition of these inholdings from willing sellers allows the National Park Service to consolidate ownership and improve management of forest, habitat, and recreational resources. In FY 2011, the National Park Service has the opportunity to acquire the 167-acre Mosier's Knob property in Smithfield Township, Pa.

The Mosier's Knob property is immediately adjacent to the boundary of the Delaware Water Gap National Recreation Area and situated along a ridge overlooking the



Middle Delaware National Scenic and Recreational River, a designated unit of the National Wild and Scenic Rivers System. The property has abundant natural resources and wildlife habitat, which consists of forested lands that drain into Shawnee Creek to the north and the Delaware River to the south. The Shawnee Creek watershed supports wetlands, rare plants, and a wide variety of wildlife species, including amphibians, reptiles, and aquatic species that are identified by the State of Pennsylvania and nationally as species of special concern. All of these species would benefit from managing the property for conservation and open space. The property also intersects two sites identified in the Monroe County Natural Areas Inventory as important to conserving the biological diversity of the county and state. These natural area sites contain one or more species of special concern and are recognized as locations that should be managed as protected conservation lands.

Nearby recreational opportunities include picnicking, swimming, and walking the McDade Trail. Fishing and boating on the Delaware River are major recreational activities that take place throughout much of the year. A few scenic roadways run parallel to the river along the ridge of the mountain and provide amazing viewsheds of the river and landscape vistas of the park. Purchase of the property would reduce the number of additional roadways and driveways associated with any development, thereby eliminating air and water quality impacts, noise pollution, and any intrusion upon the night sky.

Residential development continues to be a concern in the area around Shawnee-on-Delaware. The Mosier's Knob parcel, for example, is owned by a development company and is part of a larger development plan for the valley. Without federal protection, it is likely the landowner will develop the property. Development on Mosier's Knob would dramatically impact one of the park's most important viewsheds. A viewshed analysis conducted by the park determined that development would be visible both day and night from the Appalachian National Scenic Trail. Residential or commercial development in the Mosier's Knob area has the potential to degrade the water and environmental resources within the national park. Stormwater runoff and an increase in potential flooding could have devastating effects on the fragile natural resources within the Delaware Water Gap National Recreation Area.

An appropriation of \$2.95 million to the National Park Service in FY 2011 for the acquisition of the Mosier's Knob property would consolidate ownership and improve management of forested areas within the park, protect wildlife habitat, enhance local park and trail networks, and protect the watershed of the Delaware River within the national recreation area.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the

program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Pennsylvania, and I appreciate your consideration of this funding request.

Thomas A. Morganthau  
Pocono Heritage Land Trust  
PO Box 553  
Pocono Pines PA 18350

**Erik M. Hein, President, Preservation Action**  
**Testimony Submitted to the Appropriations Subcommittee on the Interior, Environment**  
**and Related Agencies, U.S. House of Representatives, regarding the FY11 appropriations**  
**for State and Tribal Historic Preservation Offices, Save America's Treasures, Preserve**  
**America and National Heritage Areas.**

Mr. Chairman and Members of the Subcommittee:

Thank you, Chairman Moran, Ranking Member Simpson, and other honorable members of the subcommittee, for the opportunity to submit written testimony on the FY11 appropriations for Interior, Environment and related agencies.

We are writing to request adequate funding for our nation's State and Tribal Historic Preservation Offices (\$55 million and \$12 million respectively), the Save America's Treasures (\$25 million) and Preserve America (\$4.6 million) programs (permanently authorized by President Obama under P.L. 111-11 on March 30, 2009), as well as for National Heritage Areas (\$14.8 million).

We are very concerned about the proposed elimination of the Save America's Treasures (SAT) and Preserve America (PA) programs and the substantial reduction for National Heritage Areas in the Administration's FY11 Budget. We also wish to comment on the termination language used by the Administration for SAT and PA which justifies their elimination by stating that it will enable the National Park Service to "...focus resources on managing national parks and other activities that most closely align with its core mission." In our opinion, these decisions that demonstrate a bias towards our natural resources, at the expense of our cultural resources are in error, particularly in the face of this administration's commitment to job creation, helping small businesses and the combating of climate change.

**SHPOs and THPOs – The Backbone of our Historic Preservation Program (Awarded \$46.5 million and \$8 million in FY10 respectively via the Historic Preservation Fund).**

SHPOs carry out the Federal historic preservation program that provides citizens the tools needed to revitalize, rehabilitate, and protect the places that give meaning to America. Funding for SHPOs leverages investments through local jobs, non-federal contributions and long-term economic development. **In 2009, the Rehabilitation Tax Credit, administered by SHPOs, leveraged nearly \$5 billion in private investment and created over 70,000 jobs.** SHPOs also review federal projects for their potential impact on historic sites. A recent February 2010 GAO report noted that SHPO staff shortages have delayed various American Recovery and Reinvestment Act (ARRA) projects. Even a modest increase for SHPOs would help fund additional staff vital to conducting ARRA reviews while still providing communities with the means necessary to revitalize and preserve their heritage.

THPOs carry out many of the same functions as SHPOs in tribal areas. There are currently 100 THPOs, compared to only 12 in FY96 when the program was first funded. Unfortunately, the amount of funds appropriated is not keeping pace with this expansion. The addition of new

THPOs each year keeps the average level of support per THPO suppressed at around \$75,000, barely enough to operate a program.

**Save America's Treasures (Awarded \$25 million in FY2010 via the Historic Preservation Fund)**

The SAT program was created in 1998 by Executive Order to provide matching funds for the restoration of resources significant to our national heritage. With broad bipartisan support in Congress and the leadership of the two previous administrations, SAT funds have brought new life to irreplaceable historic treasures – including buildings, documents and works of art – in every state. SAT has also provided tremendous benefit to projects and sites such as Ellis Island, Valley Forge, Thomas Edison's Invention Factory, Mesa Verde, Eleanor Roosevelt's Val-Kill Cottage, Dr. Martin Luther King's Ebenezer Baptist Church, and the Star Spangled Banner.

Since the program's creation, approximately \$293.7 million has been allocated specifically for the restoration of 1,132 historic structures, many of them National Historic Landmarks. As a matching grant program, this allocation has resulted in the generation of an additional **\$377 million in private investment. Moreover, SAT projects resulted in the creation of more than 16,000 jobs** (defined as one full-time equivalent job for one year), at the reasonable investment of \$13,780 per job.

In addition to the obvious benefit of preserving our nation's history, these jobs are most often created within small businesses in the construction industry, which have been hard-hit by the recession. Builders, plumbers, masons and electricians are only a few of the trades involved in historic preservation generating local jobs and spending. In fact, dollar for dollar, **building rehabilitation generates more jobs than new construction.**

Further, these are "green jobs," as the restoration and rehabilitation of existing buildings prevents the disposal of already produced building materials and vastly improves energy efficiency. **Approximately 48% of our nation's carbon emissions come from the demolition, construction and operation of buildings** – almost twice as much as from transportation (27%.) Nearly half of all greenhouse gasses sent into the atmosphere come from buildings. If our nation wants to pursue a climate change policy, then we must make every investment we can into the rehabilitation of existing buildings to reduce the flow of materials into the waste stream, increase their energy efficiency and revitalize and repopulate our cities.

**Preserve America and National Heritage Areas (Awarded \$4.6 million and \$17.8 million respectively in FY2010 from the National Recreation and Preservation Account)**

Preserve America grants, administered by the National Park Service, support projects in five categories: research and documentation, planning, interpretation and education, marketing, and training. The program helps local communities develop sustainable resource management strategies and sound business practices for the continued preservation and use of heritage assets. Successful projects feature public-private partnerships and serve as models to communities nationwide for job creation in heritage tourism, historic preservation and education, as well as spurring economic development in the Preserve America communities.

Funded activities have included rural or downtown survey and documentation projects; way-finding, signage, and interpretive guides; regional tourism planning and development initiatives; marketing and promotion plans; and hospitality and docent training. Eligible applicants include designated Preserve America Communities (of which there are almost 800); State Historic Preservation Offices, Tribal Historic Preservation Offices, and Certified Local Governments that are in the process of applying for Preserve America Community designation.

National Heritage Areas, of which there are 49, are designated by Congress because their natural, cultural, historic, and scenic resources are considered uniquely representative of the American experience. While the National Park Service provides technical assistance and funding, 85% of the support for National Heritage Areas comes from the impacted regions through private, state, and local government sources. The federal seed monies have spurred grassroots conservation efforts that are self-determining, self-defined and thereby reflective of their individual values in a national context. Each program is customized based upon the significance, threat, resources and need of each community.

Tourism is a major economic development and job creation tool. **In 2006, travel and tourism generated \$740 billion to the U.S. economy and employed 8 million people.** Approximately 55 percent of Preserve America Grants have gone directly for heritage tourism development in small to medium-size towns, 19 percent for rural heritage and preservation, and 12 percent for heritage tourism projects in larger urban areas. In National Heritage Areas, as a result of direct and indirect sales, an estimated **152,324 jobs are supported that pay \$3.2 billion in wages and salaries.** Overall, **cultural heritage travelers contribute \$192 billion annually to the US economy.** They contribute by paying not only for plane tickets and hotel rooms; **they support the small businesses wherever they go.**

#### **The “Core Mission” of the National Park Service**

The Administration’s justification of the elimination of SAT and PA is “so the National Park Service can focus resources on managing national parks and other activities that most closely align with its core mission” and “a need to focus resources on National Parks and lack of management” was the reason cited for the reduction for National Heritage Areas. There seems to be an assumption in this language that the NPS’s primary role is to focus on managing parks and that historic preservation programs are a distraction. As such, this justification is troubling and, at best, inaccurate.

The “Organic Act of 1916” created the National Park Service in the Department of the Interior “...to conserve the scenery and the **natural and historic** objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired...” Over the years, the National Park Service’s role in historic preservation has naturally grown and expanded. Since 1933, the NPS has managed the Historical American Buildings Survey, the Federal government’s oldest historic preservation program responsible for the creation of more than **556,900 measured drawings, large-format photographs, and written histories for more than 38,600 historic structures and sites.** The National Historic Preservation Act of 1966, which forms the basis of our Nation’s federal historic preservation program within the Department of the Interior, further expanded the role of the NPS in the

designation and maintenance of historic resources. Coupled with the fact that the **NPS is the steward of more than 27,000 significant structures, 66,000 archaeological sites and 115 million objects** in museum collections, one could argue that **not only is historic preservation an integral part of the mission of the NPS, it helps define it.**

#### **The Historic Preservation Fund and the Land and Water Conservation Fund**

As the committee prepares to debate appropriations for FY11, it is important to consider the source of funding of our natural and historic resource programs – the Historic Preservation Fund (HPF) and the Land and Water Conservation Fund (LWCF).

The history of the HPF and the LWCF is interconnected. The LWCF was established in 1965 for the acquisition and development of public outdoor recreation areas and facilities. The source of funding is lease revenue generated from oil and natural gas drilling on the Outer Continental Shelf (OCS). Recognizing the need to protect our cultural resources in concert with our natural resources, in 1976, the LWCF Act was amended to include the Historic Preservation Fund to carry out the purposes of the National Historic Preservation Act of 1966. Like the LWCF, the HPF is funded from OCS lease revenue.

The LWCF is authorized and receives \$900 million in deposits each year, and the HPF \$150 million. Subject to the annual appropriations process, however, neither has ever received full appropriations – leaving substantial balances in both funds that have yet to be used for their intended purpose. In the FY11 Budget, the President took an important and admirable step to move towards full funding of the LWCF by proposing a 31% increase to \$620 million and has expressed his intention to reach full appropriation by 2014. In contrast the HPF, which was funded at \$79.5 million in FY2010, with the elimination of the SAT program, will realize a 25% decrease to \$54.5 million – making it the lowest appropriation in more than ten years.

#### **Funding for Historic Preservation Programs is in line with this Administration's Priorities**

Our nation's cultural resources and natural resources are BOTH important. A preference for one over the other would not only be short-sighted, but once again, it would be in conflict with our desire to create jobs, help small businesses and combat climate change.

We urge you to correct this error and restore funding at the FY2010 levels of \$25 million for the SAT program, \$4.6 million for PA and \$17.8 million for National Heritage Areas. Further, we ask for a commitment to move towards full and permanent appropriations from the Historic Preservation Fund simultaneous with the move towards full and permanent funding from the Land and Water Conservation Fund – acknowledging that both are of importance to our nation.

Preservation Action is a national non-profit grassroots member organization founded in 1974 representing a broad constituency of community volunteers, government officials and other professionals and organizations dedicated to historic preservation, smart-growth, community revitalization and cultural resource management.

TESTIMONY OF HENRI R. BISSON, PRESIDENT, PUBLIC LANDS FOUNDATION  
THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED  
AGENCIES; COMMITTEE ON APPROPRIATIONS;  
ATTENTION: OUTSIDE WITNESS TESTIMONY  
FISCAL YEAR 2011 BUDGET- BUREAU OF LAND MANAGEMENT

MARCH 9, 2010

Mr. CHAIRMAN:

We thank you for this opportunity to present your committee with our views regarding the Bureau of Land Management's (BLM) budget request for FY 2011. As a national, non-profit organization comprised principally of retired, but still dedicated, BLM employees, the Public Lands Foundation (PLF) has a unique body of experience, expertise and knowledge of public land management. As retirees, we believe we offer an objective and non-bureaucratic view of what is currently happening on the National System of Public Lands (NSPL). The PLF supports the BLM and its programs, but we are independent in our views and requests. We strive to improve the effectiveness of BLM by encouraging 1) professionalism of its employees, 2) increasing public understanding, and 3) proper scientific management of lands administered by BLM.

#### Overview

Some of the most significant management challenges for BLM stem from rapid population and urban growth in the West and accompanying increased demands for access and use of the NSPL. The BLM's customers are as diverse as the natural resources the Bureau manages.

The public lands provide the Nation with opportunities for expanding the development of renewable energy as well as traditional needs for oil, natural gas, coal, non-energy minerals, grazing land and timber. Recreation, wildlife, wild horses, cultural resources and special places are significant attributes of those lands as well.

Management activities contribute to the vitality of State and local economies, generating an expected \$4.5 billion in revenues for 2011, mostly from energy development.

#### Budget Overview

The PLF is pleased with several aspects of the overall budget request for the BLM. In particular we are pleased to see increases in two important areas, the National Landscape Conservation System (NLCS) and the inspection and enforcement processes associated with oil and gas development.

The NLCS is unique and comprised of treasured landscapes, designated for their outstanding cultural, ecological and scientific values. These areas range from red-rock deserts, rocky coasts and deep river canyons to high mountains and arctic tundra. Management of the NLCS has long been underfunded.

We believe the Secretary's recently announced onshore oil and gas reforms will assist in restoring balance on the public lands, while ensuring continued production of critical energy resources. The shift toward greater funding of inspection and enforcement of oil and gas development has long been overdue. The fees proposed in the BLM's budget will help to offset the cost increasing oil and gas inspection and enforcement activities.

We are also pleased to see increases for land acquisition, renewable energy permit processing, the Youth in Natural Resources Initiative, climate change adaptation strategies and the Secretary's proposal to eliminate the sunset date for the Federal Land Transaction Facilitation Act (FLTFA) and to allow lands identified in newer BLM land use plans as suitable for disposal to be sold using FLTFA authority.

However, we have a number of concerns with other parts of this budget proposal.

#### Challenge Cost Share (CCS)

Historically, the BLM has used CCS to fund small, locally-based, partnership work. Most CCS grants from BLM have been less than \$5000 each. Most of this money has been used to restore degraded habitats by purchasing needed materials and utilizing the labor of local communities and organizations to implement the restoration. These sorts of projects have been the backbone of efforts to restore sage grouse and other sensitive habitats.



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We understand the concerns of the Inspector General, but greater emphasis and requirements for improving accounting and reporting of expenditures and accomplishments would be superior to ending this critical program.

#### Absorption of Fixed Costs

The absorption of \$15.9 million of fixed costs will have significant impacts for all BLM programs. This type of absorption serves as a tax across all programs and significantly erodes capacity to accomplish much critical work in smaller programs.

#### Wild Horses and Burros

We are supportive of the Secretary's proposal as an interim solution. The proposed increase of \$12 million for the program will definitely help, but we are a bit skeptical of the \$42.5 million request for land acquisition in the East and Mid-West as a long-term solution. We believe that the best solution can only come from gathering individual stakeholders together and coming up with a solution in the West where the horses belong.

#### Land Use Planning

The reduction of \$8.2 million for land use planning will have lasting impact on future decisions on public lands administered by the BLM. Designed to last for 15 to 20 years, new or revised land use plans will be few and far between. The primary tool the BLM has to affect long term change on public lands is land use planning, thus the Administration is giving up a significant opportunity to improve management direction and future decisions for units of the NLCS and other areas of the NSPL. The reduction of \$1 million for travel management planning is troublesome, since this process is essential to improving management of off highway vehicles, a concern of everyone.

#### Alaska Conveyance

The reduction of \$13 million from the Alaska Conveyance Program will be devastating to the BLM in Alaska and the US Government's commitment to the State of Alaska, the Native Corporations and individual native allottees to transfer lands that have been promised to them for decades. This would be

roughly a 20 percent reduction in land transfer capability and will result in reductions in force and a loss of 638 Survey Contracts for many small villages in Alaska.

Hazardous Fuels Reduction

The Department of the Interior maintains budget control for fire funding for BLM and other Bureaus. The Department's proposal to reduce funding for hazardous fuels reduction by \$42.6 million and Burned Area Rehabilitation by \$2 million is inconceivable to us. At a time when the Secretary proposes to focus the Department on climate change, the budget proposes to reduce the most significant tool the BLM and other Bureaus have to reduce the impacts of climate change. The spread of invasive species such as cheat grass will go unchecked. The budget also proposes to focus remaining funds on projects in the Wildland Urban Interface only. This will result in more catastrophic wild fires on the majority of public lands across the West. Fires will be larger, burn more quickly and frequently if this reduction stands.

Mr. Chairman, we hope these comments and concerns assist you in budget deliberations for the FY 2011 budget for the BLM. We remain sincere in our efforts to assure proper management of the National System of Public Lands.

/S/

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**Testimony of Andrew Miller, Executive Director of the  
Public Trust Environmental Legal Institute of Florida, Inc.  
In Support of Forest Legacy Program funding  
For Thomas Creek – Northeast Florida Timberlands Project, Florida  
U.S. Forest Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Thomas Creek – Northeast Florida Timberlands project in Florida. An appropriation of \$3.5 million from the Forest Legacy Program is needed in order to protect the first 294 acres of a 588-acre property. I am thankful that this project was included in the President's Budget request for FY 2011 at a funding level of \$3.5 million.

It goes without saying that the state of Florida has experienced tremendous growth in recent decades, and one of the results of that growth has been the diminution of the state's forested lands. Among the goals of Florida's Forest Legacy Program (FLP) is the mitigation of the rapid loss of environmentally important forests through the conservation of these forested communities. Statewide this effort is focused specifically on lands threatened by permanent conversion to nonforest uses and where partnerships complement existing land conservation efforts. In North Florida, FLP goals are expanded to include the support of sustainable forestry practices, a focus on riverine systems, the conservation of critical fish and wildlife habitat, and outreach to private non-industrial forest landowners. This year the State of Florida has submitted a Forest Legacy project, Thomas Creek – Northeast Florida Timberlands, which meets these important state and regional goals.

Northeastern Florida is home to a diverse coastal ecosystem of marshes, wetlands, river corridors, forests, and uplands. The landscape has featured centuries of history through the Pre-Columbian, European colonization, and American periods. Given the presence of the large and growing population of Jacksonville in the center of the dynamic ecosystem, much of the conservation in the region is a cooperative effort among federal, state, and local agencies, private landowners, and interested organizations. A centerpiece of this cooperative approach is the Timucuan Ecological and Historic Preserve (EHP), a unique preserve created by Congress in 1988 that extends over 46,000 acres at the mouths of the St. Johns and Nassau rivers.

The City of Jacksonville is leading an initiative with the National Park Service, the State of Florida, and private partners to protect a 1,780-acre forested property south of Thomas Creek and adjacent to Timucuan EHP. Within this larger effort, 588 acres have

been proposed for acquisition by the City of Jacksonville as part of the Forest Legacy Program. In FY 2011, the President's Budget includes the first 294-acre phase of this Forest Legacy property, which has a one-half mile border with Jacksonville's Bear Branch Preserve on its western side. On its northern flank lies State-owned conservation land within Timucuan EHP along Thomas Creek. The property also includes a portion of the site of the 1777 Battle of Thomas Creek, known as the southernmost continental encounter between the Americans and British during the Revolutionary War.

The City plans to manage the Forest Legacy property for recreation, wildlife habitat, water quality protection, and sustainable forestry purposes. Eight miles of existing logging trails would be available for hiking and other recreational uses such as camping and hunting. The project area includes hardwood marshes along one-half mile of Bear Branch, a tributary of Thomas Creek. The slash pine and loblolly pine found on much of the tract are currently managed as a working forest. The City will continue sustainable forestry on the tract, recognizing the importance of forestry in the economy of northern Florida.

The landscape provides habitat for many notable species including bald eagle, wood duck, hooded merganser, deer, turkey, and quail. Bobcats have been sighted in the area. The watershed is also thought to have habitat suitable for wood storks, gopher tortoises, flatwoods salamanders, and eastern indigo snakes, all federal or state-listed threatened or endangered species. West Indian manatees are known to frequent the waters of Thomas Creek and the preservation of this land would aid in protecting the water quality for this endangered species' habitat. Additionally, a number of Species of Greatest Conservation Need, as listed in the Florida Comprehensive Wildlife Conservation Strategy, have been identified on the property, including little blue heron, snowy egret, tricolored heron, and white ibis.

Because of its links to the Nassau River watershed, the State of Florida has listed this area as a priority for acquisition and conservation through the Florida Forever Program. The project area, known as the Northeast Florida Timberlands and Watershed Reserve, covers forested watershed land in Nassau, Duval, and Clay counties. The reserve was categorized in September 2008 by the state as an "A" list priority acquisition area and as one of 21 projects listed as highest priority. The goal of the reserve is to provide a wildlife and recreation corridor and a growth boundary for the rapidly growing Jacksonville area.

In addition to Timucuan EHP and Bear Branch Preserve, the larger 1,780-acre property is within the vicinity of several other public facilities and sites. About a mile to the west is the 526-acre Jacksonville National Cemetery. Authorized by Congress in 2003, the cemetery opened in January 2009. Jacksonville International Airport and facilities of the Florida Air National Guard are about 1.5 miles to the south.

This key location also poses significant development threats to the area. The airport is a large economic generator in the region, and lands around it are expected to see high rates of growth in upcoming years. The property also has proximity to Interstate 95,

allowing for easy access to the rest of the Jacksonville metropolitan area. In fact, zoning is in place to convert the property into a golf course and residential community of 800 homes. But for the current downturn in the economy, this land would be well on its way to being developed within the next five years. These threats to the property will only increase in the future given its accessibility and population and economic growth trends.

An appropriation of \$3.5 million from the Forest Legacy Program in FY 2011 is needed to begin the protection of the recreational, historical, and natural resources of the Thomas Creek – Northeast Florida Timberlands property. The City of Jacksonville will provide \$2 million to match the funds provided by the Forest Legacy Program for the first phase of this project.

I urge you to do all you can to ensure that this worthwhile program is funded adequately in FY 2011 and that the Thomas Creek – Northeast Florida Timberlands project receives \$4 million in FY 2011.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Florida, and I appreciate your consideration of this funding request.

Andrew Miller  
Executive Director  
Public Trust

Rainforest Biodiversity Group  
7 North Pinckney Street, Suite 220  
Madison, WI, 53714  
March 9, 2010

Chairman James Moran  
House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
Room H-218, The Capitol  
Washington, D.C. 20515

Dear Chairman James Moran:

The Rainforest Biodiversity Group (RBG) is concerned the President's proposed budget will come up short in supporting the Joint Ventures (JVs) and the Neotropical Migratory Bird Conservation Act (NMBCA). These programs are a vital source of funding for non-profit and government conservation agencies working tirelessly to conserve the flora and fauna in the United States and beyond. I, as a representative of RBG and the United States, am writing to ask you to support these two essential wildlife and bird conservation programs.

RBG, like many other non-profit conservation organizations, is a strong advocate for and reliant upon the NMBCA program. It ensures neotropical migrant birds have suitable habitat at all stages of their life cycles. Passionate organizations like ours work relentlessly to conserve birds in the United States, Canada, Latin America, and the Caribbean, where approximately five billion birds of over 500 species, including some of the most endangered birds in North America, spend their winters. Projects include activities that benefit bird populations such as habitat restoration, research and monitoring, law enforcement, and outreach and education.

Between 2002 and 2008, NMBCA supported 260 projects, coordinated by partners in 44 U.S. states/territories and 34 countries. More than \$25 million in federally appropriated dollars have leveraged over \$116 million in partner contributions. Projects involving land conservation have affected about 3 million acres of bird habitat. However, demand for funding of high-quality conservation projects far outstrips current appropriations, and in 2008, 63 projects requesting nearly \$10,000,000 were not funded. From these numbers, it is clear that conservation that would benefit our migrant songbirds is not able to take place due to a lack of funding for this program.

Of the 341 songbird and other neotropical migratory species that breed in the United States, 127 are known to be in decline, 60 of which have suffered population losses of more than 45% in the past 40 years. Deforestation, especially in Latin America where many of these birds winter, is accelerating at an alarming rate, driven by the needs of a human population that has tripled in the last fifty years. Estimates of the percentage of remaining forests that are lost each year in the Neotropics are between 1-2%.

Chairman James Moran  
March 9, 2010  
Page 2

Last year Congress funded the program at \$5 million. The President's budget only requests \$4 million which translates into fewer grants approved and fewer conservation projects which would benefit hundreds of migratory birds which are known to be in decline. We request that Congress fund NMBCA at \$6.5 million. This small investment will go a long way towards saving birds that generate millions of dollars for our economy and bring so much enjoyment to our lives.

Joint Ventures are another essential component, highly successful, and cost-effective approach to wildlife conservation. By applying science and bringing diverse constituents together, JVs across the United States have created a model for solving wildlife management problems and restoring habitats critical to conserving declining species. Nationally, JVs have protected, restored, or enhanced more than 13 million acres of important habitat for migratory bird species. There are currently 21 JVs in the United States that provide coordination for conservation planning and implementation of projects that benefit all migratory bird populations and other species.

Joint Ventures were funded at \$14,000,000 in FY2010. Every dollar invested in JVs leverages more than \$44 in non-federal partner funds (1999-2004) for on-the-ground habitat conservation and restoration projects, biological planning, and outreach. The President's FY 2011 budget requests only \$13,000,000 for JVs, a one million dollar cut from last year's level, however, we believe JVs should be funded at \$18,000,000 to allow them to meet their increased responsibilities. This increase in funding would help strengthen the public/private partnerships that leverage increasingly scarce public funds for on-the-ground habitat restoration and acquisition projects; continue to incorporate recent scientific advances in the development of landscape-conservation plans; and build capacity within the newer Joint Ventures, while maintaining expertise within established ones.

Joint Ventures and the Neotropical Migratory Bird Conservation Act are a vital source of funding for non-profit and government conservation agencies working to conserve the flora and fauna throughout the United States and beyond. RBG is concerned that the President's proposed budget will come up short in supporting these essential programs. I, as a RBG representative am writing to ask you to support these two essential wildlife and bird conservation programs.

Thank you for your support.

Sincerely,

Daniel R. Schneider  
Treasurer  
Rainforest Biodiversity Group

**TESTIMONY OF THE HONORABLE FLOYD JOURDAIN JR  
CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS**

Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies  
Regarding the FY 2011 BIA, IHS, and EPA Budgets, March 23, 2010

Mr. Chairman, I thank you and the other distinguished members of the Committee for this opportunity to provide testimony on behalf of the Red Lake Band of Chippewa Indians. On behalf of the people of Red Lake, who reside on our reservation in northern Minnesota, we respectfully submit that the budget appropriation process represents for us the major avenue through which the United States government fulfills its trust responsibility and honors its obligations to Indian tribes. We must depend on you to uphold the trust responsibility which forms the basis of the government to government relationship between our tribe and the federal government. The Red Lake Band of Chippewa Indians requests \$3.85 million in additional FY 2011 funding from the Department of Interior for Red Lake's programs.

Red Lake is a fairly large tribe with 10,000 members. Our 840,000 acre reservation is held in trust for the tribe by the United States. While it has been diminished in size, our reservation has never been broken apart or allotted to individuals. Nor has our reservation been subjected to the criminal or civil jurisdiction of the State of Minnesota. Thus, we have a large land area over which we exercise full governmental authority and control, in conjunction with the United States.

At the same time, due in part to our location far from centers of population and commerce, we have few jobs available on our reservation. While the unemployment rate in Minnesota is 8%, ours remains at an outrageously high level of more than 50%. The lack of good roads, communications, and other necessary infrastructure continues to hold back economic development and job opportunities.

We thank Congress for adding \$243 million to the BIA budget in FY 2010, which reversed some of the cuts made by the previous Administration. However, the nearly 3% requested cut to the BIA's budget in FY 2011 is the largest of any Interior agency, and as my testimony will show, tribes still face extreme shortages in funding for most government service programs.

**Tribal Government Funding (Formerly Tribal Priority Allocations (TPA))**

Tribal governments have suffered terrible and unprecedented erosion in federal funding for their critical core governmental services in the last decade. These services, including law enforcement, fire protection, courts, family and children's services, education, road maintenance, and resource protection affect the every day lives of people in Indian communities. At the tribal level, erosion of BIA funding for most government service programs has caused a crisis in many tribal communities.

There are several factors which have caused tribes to lose more ground than any other Interior-funded agency. These include: The crippling, nearly \$100 million cut in the TPA in FY 1996; For the last decade, with the exception of law enforcement, tribes' core service base programs were either flat-funded or further reduced; In just the last 8 years, tribes' core service base programs were subject to further reductions approximating 10% from a multitude of permanent, across-the-board and targeted rescissions to fund everything from federal deficit reduction, tax cuts for the wealthy, the war in Iraq, and even to build up the BIA's Information Technology bureaucracy; Unlike the rest of Interior, tribes receive No fixed costs to offset the rising cost of employee fringe benefits; and, Under the previous Administration, pay costs shrank to half of what tribes should have received, and were yet further reduced by the BIA's failure to fully report tribal pay cost needs.

As a result of the above, tribes' core service funding is far less, in real terms, than a decade Ago. Critical services continue to be eroded, seriously undermining our ability to provide

Testimony of Hon. Floyd Jourdain Jr. on President's Budget Request for FY 2011



minimal public safety, security, and well-being for people who already struggle to survive under some of the worst living standards in America. It may be the case that some federal agencies can absorb all of these cuts, but tribes like Red Lake cannot - we have reached the breaking point.

Let me provide an example of how real the funding crisis for basic services is at Red Lake. Below is a table showing BIA funding versus actual expenditures for just three of our critical service programs, Community Fire Protection, Tribal Courts, and Law Enforcement.

Red Lake	CY 2009	CY 2009	CY 2009
Program	Actual	Actual	Actual
	<u>BIA Budget</u>	<u>Expenditures</u>	<u>Shortfall*</u>
Fire Protection	\$42,500	\$368,000	<b>(\$325,500)</b>
Tribal Courts	\$246,900	\$679,256	<b>(\$432,356)</b>
Law Enforcement	<u>\$2,069,623</u>	<u>\$2,707,219</u>	<u><b>(\$637,596)</b></u>
Totals	\$2,359,023	\$3,754,475	<b>(\$1,395,452)</b>

\* The actual shortfall, \$1,395,452 for just these three programs, represents nearly 20% of the Tribe's entire self governance base funding, which had to be taken from other Tribal programs, sharply reducing services provided by those programs.

The above example illustrates the damage caused by the erosion and cuts to Tribal Government funding. The only solution to this crisis is a General Increase in Tribal Government (TPA) funds, to be distributed to all tribes. The increase should be at least \$100 million over the FY 2010 enacted level. This amount will not come close to getting us to where we were a decade ago, but it will provide a good start.

#### **Fully Fund Pay Costs and Fixed Costs in FY 2011 and Beyond**

We were shocked to find that the President's FY 2011 BIA budget requires tribes to absorb 100% of Pay Costs. After being forced to absorb nearly 50% of Pay Costs each year for 7 years under the previous Administration, this is unacceptable. Because of the effect of across-the-board rescissions and the failure to fully fund Pay Costs, virtually every tribal government core service program is funded at a lower level today than a decade ago. Pay Costs represent the only increase these programs receive. *When Pay Costs are not fully funded, tribal programs have no choice but to cut jobs.* From FY 2001 to the present, the Department of Interior, including BIA and tribes, have collectively lost nearly \$700 million through the absorption of Pay Costs and other Fixed Costs, and along with it, literally thousands of jobs. For Indian Country, this has meant the loss of an estimated 1,200 full time jobs, with 300 of those jobs slated to be eliminated from just the proposed FY 2011 Pay Cost absorption. The proposed absorption of Pay Costs was only applied to certain agencies. The Office of Special Trustee and the Indian Health Service were exempted as were many other, larger agencies. To be sure, healthcare is important to tribes. But so are jobs, and *the loss of Pay Costs means the loss of jobs.* We cannot afford to lose more jobs in FY 2011. We strongly urge the Committee to restore Tribal Pay Costs in FY 2011 at the actual Federal Pay Raise percentage. We also ask that, as in past years, you express your concerns to the Administration that Pay Costs must be fully funded in all future budget requests. Finally, the failure to fully fund Pay Costs since FY 2002 has resulted in a permanent annual loss of more than \$1.6 million for Red Lake. We ask for a specific earmark of \$1.6 million in FY 2011, to partially offset the losses in Pay Costs that Red Lake has unfairly suffered.

#### **Contract Support Costs**

In FY 2010, funding for Contract Support increased by \$18.7 million. In FY 2011, there is an additional increase requested of \$19.5 million. These are welcomed increases, as for too long tribes have been unfairly treated by the federal government through insufficient funds to operate 638 contracts and Self Governance compacts. However, the actual BIA estimated Contract Testimony of Hon. Floyd Jourdain Jr. on President's Budget Request for FY 2011

Support Cost shortfall in FY 2011 is \$83.5 million. The difference, \$64 million, is only 1.9% of the BIA budget. Therefore, it should be feasible to close this gap within two fiscal years. We urge you to provide additional increases in Contract Support in FY 2011 and beyond, until Contract Support, and associated Direct Contract Support, is fully funded.

**BIA Justice Services Programs: Law Enforcement, Courts, Community Fire Protection**

Law Enforcement is the second largest item in the BIA's budget. From FY 2005 – 2010, funding for BIA Law Enforcement rose by 68.4%, from \$180,063,000 to \$303,152,000. A major purpose of this increase was to put more cops on the street to combat violent crime. Red Lake has a violent crime rate 8.1 times the national average, and according to BIA's minimum safe officer level, we're short 17 officers. So at a time when BIA's Law Enforcement budget rose 68.4%, why did Red Lake's increase only 6.8%? Part of the answer may lie in what one BIA Law Enforcement official told us – that for at least three years, FY 2005 – 2007, they could find no rhyme or reason as to how funding increases were allocated. We obtained a copy of BIA's Law Enforcement spending plan for FY 2005 – 2009, and one thing we did find was that the greatest percentage increases went to BIA Central Office, BIA District Commands, and BIA Direct Service operations. The smallest increases went to 638 and Self Governance tribes. This is a travesty and a terrible misappropriation of resources. We documented these numbers in a report we sent to you last month. At Red Lake, we are so desperately under funded by the BIA for our public safety programs, that each year we must take nearly 20% of our entire Self Governance base budget just to pay the previous year's public safety shortfalls. We ask that you take whatever steps are necessary to bring this matter to light, and to hold the BIA accountable. We further ask for a specific earmark for Red Lake in the amount of \$1.75 million for our Law Enforcement program in FY 2011, to bring us up to minimal safety standards.

We strongly oppose the use of \$19 million within BIA's FY 2011 budget request for FBI agents. The DOJ and FBI have received and continue to receive staffing and other increases for Indian Country law enforcement within their respective budgets. Having a DOJ line item in BIA's budget will confuse future budget tracking, and as discussed above, tribes have a far greater need for the \$19 million than does DOJ.

We appreciate the FY 2010 \$10 million increase in TPA Tribal Courts. However, we are extremely concerned that BIA has no grasp of the funding crisis tribal courts face. At Red Lake, we must spend three times the amount received from the BIA just to get by in a severely under staffed condition. At the Tribal Budget Advisory Council meeting on March 16, 2010, the BIA actually attempted to thwart the intent of Congress and use most of the Tribal Courts increase for studies. Tribal leaders were forced to take strong action to make them understand the folly of their intent. We need operating funds not studies. Tribal Courts throughout the Country are desperately under funded. The FY 2010 increase for TPA Tribal Courts represents a *critically needed increase of 70%* over FY 2009. We ask that you provide an additional \$10 million TPA Tribal Courts increase in FY 2011, and importantly, ask that you include language requiring the BIA to distribute the entire amount to tribes for their court programs.

Alarming, the previous Administration tried to eliminate funding for Community Fire Protection, and we appreciate your past actions to restore what little funding there is. Our Tribe is solely responsible for fighting fires on our reservation and protecting peoples' lives, *on an annual BIA-funded budget of \$42,500*. I cited previously, the huge disparity between BIA funding and actual expenditures for Fire Protection at Red Lake. We ask the Committee for a specific earmark for Red Lake in FY 2011 of \$500,000.

**Housing Improvement Program (HIP)**

In recent years, funding for the BIA's Housing Improvement Program (HIP) had remained flat at about \$19 million. The previous Administration tried to eliminate HIP, and the funding level now stands at \$12.5 million. Housing is one of the most basic needs of every American.

Past funding for HIP has been terribly inadequate. The amount of HIP funding Red Lake receives is less than 10% of documented need. We ask the Committee to increase the BIA HIP budget to \$40 million in FY 2011.

#### **Trust Natural Resources**

After years of natural resources program cuts under the previous Administration, several funding increases were provided in FY 2010. We thank you for increasing Rights Protection and Fish Hatchery Operations and Maintenance. Although this was good news, base TPA programs that fund tribes' day-to-day conservation responsibilities have remained flat. These include Tribal Management/Development, Natural Resources TPA, Wildlife and Parks TPA, and Forestry. We urge you to increase these tribal base programs by \$5 million each in FY 2011.

In FY 2011, \$200,000 is requested for tribal Climate Change Adaptation. This is miniscule compared to what the rest of Interior would receive (\$171 million) and considering that 16% of Interior's lands are tribal. We ask that in FY 2011, \$8.5 million of the \$171 million be redirected to tribal Climate Change Adaptation. Although there is a small requested increase of \$500,000 for Water Resources in FY 2011, \$3 million is needed just to restore the cuts made by the previous Administration. We ask that in FY 2011, \$3 million be added to this program.

We applaud the BIA and Administration for finally restoring the Circle of Flight program to the BIA's budget in FY 2011, and we thank you for your past support of this program. We pledge to continue to do the type of quality work which led the Circle of Flight to receive the Department of Interior's prestigious 2010 Partners in Conservation Award.

#### **Indian Health Service (IHS)**

Last year's FY 2010 enacted budget for IHS included a \$471.3 million increase. We sincerely thank you and President Obama for focusing on American Indian health care. The President's FY 2011 budget requests another increase for IHS of \$354.1 million, bringing the total IHS FY 2011 budget request to \$4.4 billion. We are grateful for this increase.

Although the President's FY 2011 budget request is laudable, it does not go far enough. There is a tremendous unmet need for IHS and Tribal health programs, which stems from years of chronic under funding. IHS mandatory increases for medical and general inflation, population growth, pay costs, and contract support for new and expanded programs surpass the requested increase. To maintain current services in the face of these mandatory increases, an additional \$111 million is needed above the President's request. We ask that you consider adding an additional \$111 million above the President's FY 2011 budget request for IHS.

#### **EPA Programs**

Water, wetlands, and the fish and wildlife which rely on them are precious to us. Red Lake is home to the sixth largest natural, freshwater lake in the United States and it is truly a national treasure. Red Lake is larger than Lake Champlain, which as you know temporarily held the title of the "6<sup>th</sup> Great Lake" a few years ago. Two programs which are vital to our efforts to protect the environment at Red Lake are the Indian General Assistance program (GAP) and Section 106 Pollution Control grants (Section 106). We appreciate the modest increases provided in FY 2010. We ask that you provide the \$71.4 million for GAP requested by the President in FY 2011. We also ask for your support of the President's \$30 million request for the multi-media Tribal implementation program. Under Section 106, tribes like Red Lake have seen their funding decrease sharply. The reason is each year more tribes become eligible for and receive this funding, but the tribal allocation formula stays the same, thus fewer dollars go to tribes to reduce water pollution. We ask that in FY 2011, you include language that at least 15% of Section 106 funds go to tribes, as well as support the \$45 million increase requested by the President.

Thank you for allowing me to present, for the record, some of the most immediate needs of the Red Lake Band of Chippewa Indians in FY 2011, and for your consideration of these needs.

**American Forest Foundation  
California Forest Pest Council  
City of Chicago Department of Streets and Sanitation, Bureau of Forestry  
Davey Institute  
International Maple Syrup Institute  
Mulch & Soil Council  
National Association of State Foresters  
National Plant Board  
The Nature Conservancy  
New York State Department of Environmental Conservation  
North American Maple Syrup Council, Inc.  
Pennsylvania Department of Agriculture  
Purdue University, Department of Entomology  
Society of American Florists  
Union of Concerned Scientists**

March 19, 2010

The Honorable James P. Moran  
Chairman  
Subcommittee on Interior, Environment, and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Michael K. Simpson  
Ranking Member  
Subcommittee on Interior, Environment, and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

RE: Fiscal Year 2011 Appropriation for the USDA Forest Service

Dear Chairman Moran and Ranking Member Simpson:

We urge the Subcommittee on Interior, Environment, and Related Agencies to appropriate adequate funding for the USDA Forest Service to manage non-native insects and plant diseases that threaten America's forests. We recommend an FY2011 appropriation of \$145 million for the USDA Forest Service Forest Health Management Program. This level is about \$7 million above the current level of funding.

In addition, we ask that you provide an increase of \$3 million above the FY10 appropriations level for the "Invasives R&D" line item within the Forest Service Research program. This increase reflects the significant gaps in knowledge about monitoring techniques and tools, as well as in how populations of non-native pests will develop, expand and impact our U.S. forested systems. We ask the Congress to support further research to be better able to develop and implement appropriate management programs for these non-native pests.

We thank the Subcommittee for substantially increasing funding for the Forest Health Management Program in FY2010. The increase resulted in substantial new resources being devoted to improving detection and control methods for the emerald ash borer, hemlock woolly adelgid, and sudden oak death (SOD; also called the phytophthora leaf and stem blight pathogen); and maintenance of programs targeting the gypsy moth and other non-native forest pests and diseases. The added funding also allows the USFS to address new pests threatening forests across the country, including thousand canker disease (which threatens black walnuts nationwide); gold-spotted oak borer (which is killing oak trees in southern California); and laurel wilt disease (which is killing redbay, sassafras, and other trees and shrubs in coastal regions of the Southeast). Funding at our recommended level supports continued expansion of these important programs, which benefit both rural and urban communities.

The Forest Health program provides vital expertise in forest pests' biology and detection and management methodology that is crucial to the success of pest eradication and containment programs implemented by the USDA Animal and Plant Health Inspection Service. As these forest pests are detected in new areas, the importance of the Forest Service's contribution rises. The USDA Forest Service has the lead responsibility for detecting and responding to any outbreaks of sudden oak death in the forest. The Forest Service has provided most of the funds utilized by Oregon in its SOD containment program; this program has succeeded in containing spread of the disease through vulnerable forests in the southwest corner of the state. Detection programs managed under the Forest Health Monitoring Program have surveyed 320 watersheds across the country. Watersheds have been found with evidence of the sudden oak death pathogen – outside the infested areas in California and Oregon. These include streams in four southeastern states with substantial vulnerable oak forests – Alabama, Florida, Georgia, and Mississippi. Both programs must continue in order to protect vulnerable forests.

The emerald ash borer has now been detected in thirteen states. The Forest Service's Forest Health Protection program provides expertise in detecting this elusive insect, in developing more effective tools to curtail its spread, and in advising landowners on how to respond to the threat. For example, the Forest Service helps to fund a website maintained by the Continental Forest Dialogue ([www.dontmovefirewood.org](http://www.dontmovefirewood.org)) in order to educate the public not to transport potentially infested wood that can spread pests. The Forest Service, involved cooperatively with APHIS, is evaluating mitigation tools and strategies to be utilized by newly infested regions to slow or curtail the spread of this devastating pest. It is vitally important that the Forest Service effort targeting this insect not be reduced. The Forest Service is working with state forestry departments through the Great Plains Initiative to help those states prepare for the widespread tree mortality that the emerald ash borer will cause.

Finally, the Forest Health Management Program needs adequate funding to expand its Early Detection project. This program has been responsible for detecting more than a dozen introduced insects, including two which threaten the economically important pine forests of the Southeast: the sirex woodwasp and the Mediterranean pine beetle. The detection program now covers all states on a three-year rotation. It now must develop and deploy methodologies to detect the highly damaging wood-boring beetles.

As the majority of southern forests are in private ownership, a landowner assistance program for early detection and rapid response for these pine pests should be considered

The agency bearing the principal responsibility for eradicating newly introduced forest pests is not the USDA Forest Service, but rather the USDA Animal and Plant Health Inspection Service

(APHIS), an agency under the jurisdiction of the Agriculture Appropriations subcommittee. The USDA Forest Service plays a critical support role by providing both management expertise and critical research – in close coordination with APHIS Plant Protection and Quarantine and through cooperative funding agreements with state forestry, state departments of agriculture and state land grant universities.

Nevertheless, the Subcommittee cannot achieve its goal of protecting the health of the nation's forests as long as funding shortfalls undermine USDA APHIS eradication programs. We encourage the Subcommittee to work with the Agriculture Appropriations Subcommittee to find ways to increase funding for forest pest line items in the USDA APHIS Emerging Plant Pest account.

Sincerely,

American Forest Foundation: Tom Martin, President and CEO  
 California Forest Pest Council: Bob Ryneerson, Chairman  
 City of Chicago Department of Streets and Sanitation, Bureau of Forestry: Joseph J. McCarthy,  
 Senior City Forester  
 Davey Institute: Anand B. Persad, Ph.D., B.C.E., Regional Technical Advisor  
 International Maple Syrup Institute: Gary Gaudette, President  
 Mulch & Soil Council: Robert C. LaGasse, Executive Director  
 National Association of State Foresters: Jay Farrell, Executive Director  
 National Plant Board: Carl P. Schulze, Jr., President  
 The Nature Conservancy: Robert L. Bendick, Director, Government Relations  
 New York State Department of Environmental Conservation: Robert K. Davies, New York State  
 Forester, Director of Lands and Forests  
 North American Maple Syrup Council, Inc.: Rick Marsh, President  
 Pennsylvania Department of Agriculture: Russell C. Redding, Secretary  
 Purdue University, Department of Entomology: Clifford S. Sadof, Professor  
 Society of American Florists: Lin Schmale, Senior Director, Government Relations  
 Union of Concerned Scientists, Phyllis N. Windle, Ph.D., Senior Scientist and Director, Invasive  
 Species

Written Testimony of  
Tom Easley  
Director of Programs, Rocky Mountain Climate Organization  
Subcommittee on Interior, Environment and Related Agencies  
Committee on Appropriations, U.S. House of Representatives  
Concerning  
Fiscal Year 2011 Budget Request for Climate Data Monitoring Networks

March 19, 2010

This statement is being submitted on behalf of the following representatives of government agencies, water providers, and organizations with a stake in Colorado's water future:

Nolan Doesken Colorado State Climatologist	Drew Peterzell Director Trout Unlimited's Colorado Water Project
Eric Kuhn General Manager Colorado River Water Conservation District	David Little Director of Planning Denver Water
Brett Gracely Water Resource Planning Supervisor Colorado Springs Utilities	Brad Udall Director CU-NOAA Western Water Assessment
Drew Beckwith Water Policy Analyst Western Resource Advocates	Joel Smith Principal Stratus Consulting
Stephen Saunders President Rocky Mountain Climate Organization	

We respectfully request your consideration of inclusion of additional FY 2011 funding above the budget request for the following critical funding needs for climate data monitoring programs:

- Department of the Interior, U.S. Geological Survey, Water Data Program - \$1,440,000 for the stream gage network, and for FY 2012 and years beyond, \$1,264,000 per year for recurring operations and maintenance costs;
- Department of the Interior, U.S. Geological Survey, Water Data Program - \$272,000 for reservoir storage monitoring, and for FY 2012 and years beyond, \$95,200 per year for operations and maintenance costs;
- Department of the Interior, Bureau of Land Management, Remote Automated Weather Stations Program - \$162,000;
- Department of Agriculture, U.S. Forest Service, Remote Automated Weather Stations Program - \$258,000.

Since 2007 our organizations, and others in Colorado, have been collaborating on strategies to prepare for the changes that scientists have identified as the likely impacts of climate change on the most critical natural resource in the West— the water resources that enable our people, commerce, and natural systems to thrive. Key to our ability in this region to understand and adapt to the effects of climate change on water supplies will be good information on what changes are occurring with respect to such key elements as temperatures, precipitation, snowpack, the timing of snowmelt, streamflows, and soil moisture. The data collection systems that currently exist to gather this information were not designed to track changes in climate, and so are incomplete to meet today's needs. Many of the programs for collecting and disseminating these data have deteriorated or have been diverted over the last quarter-century, with the result that many long-term climate and streamflow records have been interrupted.

The additional climate/water monitoring needs we identify are for systems in Colorado and the Upper Colorado River Basin, but they are needed for national reasons. The state of Colorado supplies 70 to 75 percent of the water in the Colorado River. About 30 million Americans, or about one-tenth of all Americans, living in seven states – Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming – depend on Colorado River water. The largest city in each of those seven states depends on Colorado River water. Twenty-two of the 32 largest cities in those seven states depend on Colorado River water. Fifteen percent of the nation's crops and 13 percent of the nation's livestock depend on Colorado River water. Some of the nation's most spectacular natural resources, including our largest concentration of national parks, depend on Colorado River water.

Yet scientists consistently tell us that a changed climate is likely to reduce the flow of the Colorado River. As this is already the most over-allocated river in the nation, this presents a challenge of great national significance.

No less important to those who depend on them are the other rivers that originate in Colorado, including the Rio Grande, Arkansas, and North and South Platte rivers, which supply additional millions of Americans not just in our state but in downstream states. These rivers, too, may be substantially affected by the hotter and drier conditions projected to result in the interior West from a changed climate.

To be able to address these challenges, we have a pressing, critical need to know more than we now do about our water resources and how they may be affected over time. That is the purpose of our proposal for relatively modest increases in these key budget accounts:

1. Department of the Interior, United States Geological Survey (USGS) Water Data Program - stream gage network

Drought information users in the Upper Colorado River Basin (UCRB) would like increased opportunity to compare current stream flow with historical conditions. They call for the re-establishment of long term gaging stations, presently inactive, having at least twenty years of record. The USGS has identified over 80 stations meeting these criteria just in the portion of the basin in the State of Colorado. This effort would help address the strong desire of UCRB drought information users to have and maintain gaging stations on "indicator" or "sentinel" watersheds without storage or diversions, and many years of long term native flow. Near



real-time reporting of observed flows, presented in historical context would give users the needed understanding of present natural conditions and how they compare with the past.

Our funding request: Costs to establish new gages are on the order of \$18,000 each, while annual O&M costs are \$15,800. Our funding request is for full re-establishment of these 80 stations, totaling \$1.44 million in capital investments. For FY 2012 and beyond, \$1.264 million per year is needed for recurring annual costs for operations and maintenance of these stations.

2. Department of the Interior, United States Geological Survey (USGS) Water Data Program – reservoir storage monitoring network

Knowledge of current reservoir levels and storage volumes is a vital component of drought monitoring in the UCRB. Only 27 of the 44 reservoirs in the basin that are systematically tracked for their levels and volumes by USGS and the U.S. Bureau of Reclamation have automated monitoring systems. For the remaining 17 reservoirs, a very labor intensive process of telephone reporting by the Department of Agriculture's Natural Resources Conservation Service is required, which can only be accomplished once a month. A major monitoring gap could be filled by adding automated reservoir level recording to these 17 reservoirs.

Our funding request: The cost will be \$16,000 per reservoir monitoring station, for a total capital investment funding request of \$272,000 for FY 2011. For FY 2012 and beyond, \$95,200 per year is needed for recurring annual operations and maintenance costs for these 17 stations.

3. Department of the Interior, Bureau of Land Management - Remote Automated Weather Stations (RAWS) network

There are about 70 sites of the Remote Automated Weather Stations (RAWS) network operated by the Bureau of Land Management (27 stations) and U.S. Forest Service (43 stations). The principal purpose of the network is to monitor fire danger, though they could provide valuable drought information at low elevations as well. A shortcoming of the stations is their measurement of precipitation with tipping bucket instruments, which unfortunately do not provide useful observations in the cold season.

Our funding request: Upgrading these stations to provide useful, year-round precipitation data would cost on the order of \$6,000 per station. Our FY 2011 funding request is for \$162,000 to upgrade the 27 Bureau of Land Management RAWS stations in the Upper Colorado River Basin. For FY 2012 and beyond, there will be a small increase in annual maintenance costs.

4. Department of Agriculture, U.S. Forest Service - Remote Automated Weather Stations (RAWS) network

See request number 3 above for justification.

Our funding request: The FY 2011 funding request is for \$258,000 to upgrade the 43 U.S. Forest Service RAWs stations in the Upper Colorado River Basin. For FY 2012 and beyond, there will be a small increase in annual maintenance costs.

We would welcome the opportunity to discuss these requests further, and stand ready to supply additional information as needed. I can be reached at the Rocky Mountain Climate Organization at 303-887-4626 or [casley@rockymountainclimate.org](mailto:casley@rockymountainclimate.org). I can engage with others on behalf of whom this testimony is submitted to get additional information if that would be helpful.



## San Diego County Water Authority

4677 Overland Avenue • San Diego, California 92123-1233  
(858) 522-6600 FAX (858) 522-6568 [www.sdcwa.org](http://www.sdcwa.org)

March 18, 2010

The Honorable Norman Dicks, Chair  
Subcommittee on Interior, Environment, and Related Agencies  
House Committee on Appropriations  
B-308 Rayburn  
Washington, D.C. 20515-6023

### MEMBER AGENCIES

Cuyamaca  
Municipal Water District

City of Del Mar

City of Escondido

City of National City

City of Oceanside

City of Poway

City of San Diego

Fallbrook  
Public Utility District

Holla Water District

Lakeside Water District

Olivehedge  
Municipal Water District

Chico Water District

Padre Dam  
Municipal Water District

Camp Pendleton  
Marine Corps Base

Rainbow  
Municipal Water District

Rancho  
Municipal Water District

Rincon del Diablo  
Municipal Water District

San Diego Water District

Santa Fe Irrigation District

South Bay Irrigation District

Vallecitos Water District

Valley Center  
Municipal Water District

Vista Irrigation District

Yuma  
Municipal Water District

OTHER  
REPRESENTATIVE

County of San Diego

Re: Support for Fiscal Year 2011 federal funding of \$5.9 million for the Bureau of Land Management (BLM) to assist in the Colorado River Basin Salinity Control Program

Dear Chairman Dicks:

Your support is needed in securing adequate Fiscal Year 2011 funding for the Bureau of Land Management's participation in the federal/state Colorado River Basin Salinity Control Program (Title II of the Colorado River Basin Salinity Control Act, P.L. 92-500). This important program is vital to the Colorado River water users in San Diego County, as well as to the water users throughout the seven-state Colorado River Basin.

The Colorado River is the primary source of drinking water for more than 3 million people in San Diego County. Excess salinity causes economic damages in the San Diego region worth millions of dollars annually. It also hinders local water agency efforts to stretch limited supplies by recycling and reusing water. The local impacts of excess salinity include:

- reduced crop yields for farmers, who produce more than \$1 billion of agricultural products in the San Diego region;
- reduced useful life of commercial and residential water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers;
- increased household use of expensive bottled water and water softeners;
- increased water treatment facility costs;
- difficulty meeting federal and California wastewater discharge requirements; and
- fewer opportunities for water recycling due to excess salt in the product water, which limits usefulness for commercial and agricultural irrigation.

The Salinity Control program has proven to be a very cost-effective approach to mitigate the impacts of increased salinity in the Colorado River. Continued federal funding of the Bureau of Land Management's portion of this important program is essential. Maintenance of the Colorado River's water quality through an effective salinity control program is an investment that avoids millions of dollars in economic damages caused by

*A public agency providing a safe and reliable water supply to the San Diego region*

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The Honorable Norman Dicks, Chair  
March 18, 2010  
Page 2 of 2

excess salinity.

The Colorado River Basin Salinity Control Forum (Forum), on behalf of the seven Colorado River Basin states, submitted testimony to your Subcommittee requesting that Congress appropriate \$5,900,000 to BLM in FY 2011 for activities that help control salt contributions from BLM-managed lands in the Colorado River Basin. The Water Authority agrees with this request, and urges your support for these needed funds.

The Water Authority appreciates your support of the Colorado River Basin Salinity Control Program and asks for your assistance in securing adequate funding for Fiscal Year 2011.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maureen A. Stapleton', with a stylized flourish at the end.

Maureen A. Stapleton  
General Manager

**Donald L Rivenes  
Conservation Chair  
Sierra Foothills Audubon Society**

**Testimony of  
In Support of Land and Water Conservation Fund funding  
At Tahoe and Eldorado National Forests, California  
U.S. Forest Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony on behalf of the Sierra Foothills Audubon Society in support of acquiring land at Tahoe and Eldorado National Forests in California. An appropriation of \$5.5 million is needed in FY 2011 from the Land and Water Conservation Fund in order for the Forest Service to acquire an assemblage of properties totaling 3,187 acres.

The Sierra Foothills Audubon Society is located next to the Tahoe National Forest and is very concerned about the birds and other wildlife of the forest. The irrational checkerboard ownership pattern in the central Sierra Nevada is one of the most significant challenges facing Forest Service land management. Incompatible uses on private parcels interspersed with public lands degrade wildlife habitat, water quality, recreational access, and scenic views on the public lands and complicate forest management and fire control. Disruption of north-south habitat connectivity, essential to wildlife migration in the Sierra Nevada, will have much more serious effects as climate change significantly shifts wildlife habitats. For these reasons, the Forest Service has made consolidation of public ownership in checkerboard areas an acquisition priority in California. Acquiring all the private lands in the checkerboard region with significant wildlife, watershed, scenic, and recreational values will be a very long-term effort; consistent progress is essential.

We are asking you to support funding for parcels in six areas, all but one of which are in the region of checkerboard ownership. These parcels are the Tahoe and Eldorado National Forests' highest acquisition priorities in FY 2011. The merits of the parcels in each area are briefly described below.

Castle Peak Area (Tahoe National Forest, checkerboard region)

Our highest priorities for acquisition are parcels in the Castle Peak area on the Sierra Crest in Tahoe National Forest. Most of the Castle Peak area is included in the Castle Peak Proposed Wilderness. The Castle Peak area is highly scenic and is a very popular year-round recreation area for the large populations of northern California and western Nevada. Thousands of acres in the Castle Peak area have been purchased in recent years, thanks in part to your support, but the acquisitions are not yet complete.

The White Rock Lake parcel, most of which is roadless, is on the northern edge of the Proposed Wilderness. Including the roadless portion of the parcel in the Proposed Wilderness would make its boundary more logical and defensible. Acquisition of the parcel would consolidate public ownership of the White Rock Lake watershed, better protecting the Lake and its population of federally endangered mountain yellow-legged frogs.

Two parcels southwest of Castle Peak and close to the Proposed Wilderness have significant recreational values. Acquisition of these parcels would make possible an improved routing of the popular Hole in Ground bicycle trail onto public lands. These parcels, which are near already subdivided lands, are potential locations for second-home development, which makes their acquisition more urgent.

#### Sagehen Creek Watershed (Tahoe National Forest, checkerboard region)

The University of California's Sagehen Creek Field Station has used the Sagehen Creek watershed as an outdoor classroom and site for wildlife, forestry, and hydrology research since 1951. Recognizing this use, the Forest Service has designated the public lands in the watershed as the Sagehen Creek Experimental Forest.

Consolidated public ownership of the Experimental Forest would ensure that incompatible activities on private land in the watershed do not confound research data and restrict educational activities. Acquisition of sections 13 and 15 on the southern and western boundaries of the Experimental Forest would significantly decrease the private lands in the Sagehen Creek watershed. Acquisition would also add to the public lands in the north-south wildlife corridor on and near the Sierra Crest, in which ownership is significantly fragmented.

#### Lacey Valley Meadows and Webber Lake (Tahoe National Forest, checkerboard region)

The 1500 acres of beautiful subalpine meadow in Lacey Valley south of Webber Lake are an outstanding feature of a 3000-acre property in the vicinity of the Lake that will be available for acquisition. Two sections in the upper end of the Valley are available in FY 2011.

The meadow and riparian areas of Lacey Valley are habitat for waterfowl and for the willow flycatcher, which is on the State endangered list. The meadow and the surrounding uplands provide habitat for deer and numerous species of raptors and predators.

Though meadows are only a small percentage of the lands within Tahoe National Forest, they contribute disproportionately to the forest's scenic, wildlife, and recreation values. A large

proportion of meadows within the Forest are privately owned; early settlers valued the resources of meadows and their suitability for settlement. Now meadows are attractive locations for second-home and resort development which seriously degrades their ecosystems and denies the general public access. Promptly responding to opportunities to acquire meadows is essential because meadows are so attractive to residential and resort developers. Acquisition of the forested ridges surrounding the Lacey Valley meadows ensures protection of the meadows and creeks.

English Mountain (Tahoe National Forest, checkerboard region)

Purchase of this parcel would help consolidate very fragmented public ownership immediately northeast of English Mountain by acquiring the remainder of a checkerboard section. The parcel contains most of the northeastern slopes of English Mountain and also Secret Lake, a small alpine tarn, and its outlet stream. Purchase of the section is the beginning of the highly desirable eventual consolidation of public ownership of beautiful English Meadow and other meadows along the Middle Yuba River. The Grouse Lakes Potential Wilderness, which includes the summit of English Mountain, is immediately to the south of the parcel. Though part of the section has been logged, some mature mixed conifer forest remains.

Big Avalanche Cave (Tahoe National Forest, checkerboard region)

Public ownership of the parcel would protect and guarantee public access to this regionally significant limestone cave system with 1500 to 2000 feet of passages. In the opinion of northern California speleologists, Big Avalanche Cave, where extensive exploration of easy passages with minimal resource impacts is possible, is the most important recreational cave in the northern Sierra Nevada. A colony of Townsend's Big-eared Bats, a species of concern in California, occupies a summer roost a few miles away. The cave is a suitable and likely winter hibernation site for this colony. Both the Western Cave Conservancy and the National Speleological Society support this acquisition.

Martin Meadow (Eldorado National Forest)

The volcanic ridge east of Silver Lake, between Silver Lake and the Kirkwood Ski Area, is a striking scenic backdrop for Silver Lake. This parcel is on the west slope of the ridge, within a potential addition to the Mokelumne Wilderness, surrounded on three sides by Forest Service land. Public ownership of the parcel will preserve its wilderness character and the wilderness character of surrounding national forest lands.

Conclusion

Your past support of appropriations to purchase private lands with significant wildlife and recreational values in Tahoe and Eldorado National Forests has been invaluable. Sierra Foothills Audubon Society urges you to continue your past support by supporting this \$5.5 million appropriation for FY 2011.



SOCIETY FOR AMERICAN ARCHAEOLOGY

**Testimony of the Society for American Archaeology  
Before the House Appropriations Committee  
Subcommittee on Interior, Environment and Related Agencies**

**Regarding Fiscal Year 2011 Funding for the NAGPRA Grants Program**

**March 19, 2010**

The Society for American Archaeology (SAA) supports the Native American Graves Protection and Repatriation Act (NAGPRA), and our testimony today is in regards to funding for the NAGPRA Grants Program, which is essential to the continued success of repatriation efforts in the United States.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,000 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

Of concern today is the issue of funding for the NAGPRA Grants Program in FY2011. The administration's budget proposal, if enacted, would cut funding for the program by \$581,000, instead of providing a much-needed increase to reflect current demand. SAA respectfully requests that Congress reject this proposed cut, and increase funding to a level of \$4.2 million, as recommended by the 2008 National NAGPRA Review Committee report, in order to meet demonstrated need.

**Cuts to the NAGPRA Grants Program would be counter-productive**

The NAGPRA Grants Program serves a critical purpose. In the 16 years since it was established, the funding it provides has been an indispensable resource for Indian tribes, Native Hawaiian organizations, and museums in facilitating the repatriation process outlined by the NAGPRA statute. The goal of the Grants Program is "to increase the number of successful repatriations through the support for projects that increase the ability of tribes and museums to facilitate consultation and work together through the NAGPRA process." As the process has evolved, with increasingly productive relationships developing between the various parties in consultation and repatriation efforts, the importance of the Grants Program has increased as well. In its recent "Journeys to Repatriation" report, the National NAGPRA Program noted that many of the applications they receive have gone from funding a museum's need to identify objects in its collections in order to prepare for consultation with tribes, to more complex projects involving joint collaboration and consultation among Indian tribes or Native Hawaiian organizations, and museums. Further, between the years 1994 and 2008, the Grants Program has awarded over \$31 million dollars to 265 tribes, Native Hawaiian Organizations and museums to fund NAGPRA-related activities. As the Curator of Anthropology at the Denver Museum of Nature and Science states:



“I believe that museums have a deep ethical obligation to proactively address the legacies of collecting, and the NAGPRA Grants program is a vital means of enabling museums to fulfill their duties as stewards and caretakers. From the consultations and conversations that result from dealing with NAGPRA, museums have the potential of creating new kinds of relationships with Native American communities. When tribes see that museums are genuinely committed to NAGPRA, both the spirit and the letter of the law, new friendships and partnerships can develop.”

If the grants are reduced, the very growth of collaboration and consultation that the enactment of NAGPRA was designed to facilitate will be endangered.

#### Cuts will worsen already-inadequate funding levels

Even though substantial progress has been made in repatriation work under NAGPRA, the amount of existing funds in the Grants Program does not meet current demand. The total number of funding requests for FY2009 more than doubled from FY2008 (see Table 1). Additionally, the total number of grant proposals received by the program has always been twice as many as have been awarded. A reduction in funds available to the Grant Program will only exacerbate this situation.

Table 1. Grants Requested and Awarded FY 1994 – FY 2009 by Tribes and Museums\*

Tribes				Museums			
Year	Number of Applications Received	Amount Requested \$	Amount Awarded \$	Year	Number of Applications Received	Amount Requested \$	Amount Awarded \$
1994	106	6,091,594	1,023,200	1994	113	6,643,200	1,116,800
1995	63	3,842,289	1,387,925	1995	56	2,408,165	854,075
1996	54	3,490,414	1,150,985	1996	33	1,530,039	946,905
1997	54	3,148,112	1,425,600	1997	20	1,055,915	550,650
1998	61	3,547,254	1,557,165	1998	23	1,025,061	775,720
1999	57	3,296,264	1,648,220	1999	22	2,251,415	687,780
2000	84	4,814,432	1,629,170	2000	27	1,276,774	622,830
2001	53	3,048,377	1,802,180	2001	20	1,042,261	635,820
2002	57	3,460,873	1,708,268	2002	16	961,775	537,552
2003	60	3,708,782	1,703,194	2003	12	668,730	497,806
2004	41	2,369,685	1,535,659	2004	17	1,037,649	646,341
2005	41	2,344,891	918,560	2005	17	1,060,299	471,669
2006	52	2,999,228	1,500,965	2006	17	825,172	393,893
2007	36	2,100,960	1,247,243	2007	16	815,239	548,825
2008	29	1,691,220	1,089,554	2008	12	559,317	490,258
2009	51	2,674,813	753,809	2009	31	1,809,161	1,092,787

\*Taken from National NAGPRA Program FY09 Final Report (p.14).

In addition, the awards provided, particularly those for consultation and documentation, often do not suffice to defray the total costs incurred. As noted in the National NAGPRA Program's FY2009 report, the costs of consultation are often absorbed by museums in excess of the funding requested. For instance, in the “Journeys to Repatriation” report, institutions such as the Burke Museum at the University of Washington “ha[ve] dedicated in excess of one million of its own funding in compliance with NAGPRA.” The grants received from the NAGPRA Program have enabled the Burke Museum to supplement its funding and to assist in such important facets of the repatriation process as consultations. As they state: “[t]hese in-depth consultations have

significantly strengthened our relationships with tribes and have led to lasting relationships that will continue to go beyond NAGPRA efforts.” This situation is typical of museums across the U.S. However, the economic crisis has made it more difficult for museums to continue to absorb the costs of this unfunded mandate.

#### **Increased funding is needed to meet higher present and future demand**

SAA believes that there could be a substantial increase in demand for grant funding in the near future, on top of the already-unmet demand. The National NAGPRA Program has completed inventories for culturally unidentifiable Native American human remains that account for 124,377 individuals and 916,432 associated funerary objects (FY2009 Final Report, p.11). During the last fifteen years, only 40,000 sets of human remains have been culturally affiliated. Final disposition for the almost 125,000 sets of culturally unidentifiable Native American human remains was put on hold until the completion of regulations (43 CFR 10.11) dealing with that part of the NAGPRA statute. The new rule, published on March 15, will take effect in May, and creates guidelines for tribes, Native Hawaiian organizations, museums, and federal agencies to work collaboratively to establish disposition of the culturally unidentifiable Native American human remains. Tribes and museums, in order to deal with this challenging situation, could submit a huge increase of applications for grant funding. There could also be increased pressure on National NAGPRA Program staff to complete notices, answer questions, and investigate complaints.

Increased funding will also assist in providing valuable and much-needed training to more Indian tribes, Native Hawaiian organizations, and museums. The lack of adequate funds for training has been particularly alarming for a number of tribes, museums and federal agencies, as noted in the 2008 report prepared by the National Association of Tribal Historic Preservation Officers (NATHPO) and the Makah Indian tribe. In the report they state that one of the obstacles to successful repatriation efforts is the lack of training available to not only Indian tribes, but also to museums and agencies who must comply with the Act. They recommend that the NAGPRA Grants Program further develop training tools and include Native people who have extensive experience with NAGPRA-related issues in their training efforts (p. 46).

While education has proven an effective tool in increasing the number of applications, the grants process itself requires further review and revision in order to increase the success rate of applicants. In FY2009, the National NAGPRA Program, which administers the Grants Program, went through a review and significant restructuring designed to more effectively address issues of concern regarding the grant application process, and the administration and oversight of grants awarded. We recognize that this is an ongoing process for the National NAGPRA Program and we commend its efforts to date, and urge the program to broaden its work in consulting with those who implement NAGPRA for tribes and museums.

#### **Conclusion**

It is important that we remember how crucial NAGPRA is to Native American and Native Hawaiian Organizations, and conclude with Senator Daniel Inouye’s statement regarding the passage of NAGPRA:

“In light of the important role that death and burial rites play in Native American cultures, it is all the more offensive that the civil rights of America’s first citizens have been so flagrantly violated for the past century. Mr. President, the bill before us today is not about the validity of museums or the value of scientific inquiry. Rather, it is about human rights.”

NAGPRA has proved to be crucial in the capacity-building of Indian tribes and Native Hawaiian organizations and in the creation of innovative and collaborative relationships. The funding made available by the NAGPRA Grants Program has assisted many tribes, Native Hawaiian organizations, and museums in furthering their repatriation efforts. The proposed reductions would have detrimental effects on not only repatriation, but also

on the still-fragile collaborative relationships that exist among these entities. Further, there is a great need for an increase in funding to this important program. We therefore request that Congress oppose the proposed cut to the NAGPRA Grant Program for FY2011, and that the program's funding instead be increased to \$4.2 million as suggested by the National NAGPRA Review Committee.

Thank you for your time and consideration on this most important issue.

**Testimony of Charles W. Murphy, Chairman  
Standing Rock Sioux Tribe  
House Appropriations Subcommittee  
On Interior and Related Agencies  
March 23, 2010**

On behalf of the Standing Rock Sioux Tribe, I am pleased to submit testimony concerning the President's FY 2011 budget for the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS). I want to express my appreciation to this Subcommittee, its Chairman and members for their strong support of Indian tribes.

The Standing Rock Sioux Tribe is situated in North and South Dakota. The Reservation comprises 2.3 million acres, of which 1.4 million acres is Tribally owned and Tribal owned allotted lands. About 10,000 Tribal members and non-members reside on the Reservation in eight communities and in smaller towns. The Tribe's primary industry is cattle ranching and farming.

The Tribe is working steadily to expand opportunities for economic development to provide jobs for our members and improve the standard of living on our Reservation. We operate the Standing Rock Farms, a Parts on Demand operation, two Tribal casinos, and a sand and gravel operation which help us supplement services and programs for our more than 14,000 enrolled members. Despite the measures we are undertaking locally to improve living conditions on our reservation, we have persistent unemployment above 50%, a high drop out rate among our high school students, and over 40% of Indian families on our reservation live in poverty.

Living conditions on Standing Rock are difficult. According to statistics of the Department of Housing and Urban Development (HUD), in 2009, over 1,113 member households on Standing Rock had family incomes between 30%-80% of median family income in the area. Of this figure, 464 households, 4 in every 10 homes, earned less than 30% median income. Four in every ten homes are overcrowded. The majority of our Tribal elders suffer from diabetes, heart disease and hypertension. Only one-half of one percent (0.5%) of our members are above the age of 65. Accidents are the leading cause of death among our members. We must reverse these harmful trends. All Americans, including the Nation's first Americans, deserve an opportunity to compete successfully in today's global economy.

On January 27, 2010, I declared a State of Emergency on the Standing Rock Sioux Reservation. Our Reservation was still recovering from storm and flood damage to our communities and roadways that occurred in 2008-2009 when our Reservation was hit with severe winter storms beginning on December 23, 2009, January 4, 2010 and January 22, 2010. These storms brought blizzard conditions and strong winds that knocked down thousands of electrical poles and power lines and brought heavy snows that stranded our members in their homes without heat and electricity for days. We have expended nearly 75% of our annual allocation of BIA Road Maintenance Program funds to cover heavy equipment rentals, fuel, repair costs and overtime labor expenses to keep our roadways open.

In order to move our community forward, I urge the Congress provide increased funding for infrastructure and economic development, health care, public safety and education.

**ECONOMIC DEVELOPMENT AND INFRASTRUCTURE NEEDS** – More than 20 years ago, another committee of Congress dedicated to improving the living conditions on Indian reservations made the following observation:

“The conditions for successful economic development on Indian lands are essentially the same as for any other predominantly rural community. There must be community stability, including adequate law enforcement and judicial systems and basic human services. There must be adequate infrastructure including roads, safe water and waste disposal systems, and power and communications utilities. When these systems and services are in place, tribes are in the best position to implement economic development plans, taking into account the available natural resources, labor force, financial resources and markets.”

The Senate Committee on Indian Affairs made this statement in 1988 in their report that accompanied sweeping legislative to the Indian Self-Determination and Education Assistance Act. Public safety and an efficient judicial system are pre-conditions to building strong, stable governments. For several years, we have sought funds to plan a comprehensive police, tribal courts, and detention facility, but the BIA has inadequate funds for planning, design, NEPA environmental studies and construction. We should not have to be waitlisted for years to secure planning and construction funding for such important governmental programs. Our existing facilities are outdated and inadequate to modern public safety and criminal justice needs. Our Tribal courts operate with 24 staff working in 17 offices spread out over three buildings.

We are very appreciative of the Recovery Act funding that Congress made available for Indian tribes. This level of investment in infrastructure, however, must be continued by Congress for Indian country. Construction projects create jobs locally and put our members to work. We object to the inadequate annual funding of \$26 million for the BIA Road Maintenance Program. This program has remained at roughly the same level for over 20 years. Road maintenance is a public safety program. Poor road conditions contribute to the unacceptably high levels of serious injury and death on Indian Reservation Roads each year.

We urge Congress to fund this Program at \$150 million as recommended by NCAI. Many Tribes and BIA Regions need millions of dollars just to replace outdated and obsolete maintenance equipment, purchase and store fuel, buy replacement parts for serviceable equipment, and stockpile maintenance supplies. We are still paying off a 2004-2006 \$26 million community streets project that paved streets, installed curbs, gutters, sidewalks and street lights throughout our reservation. In order to protect this multi-million investment, we need funds to carry out routine road maintenance (crack sealing, pot hole repairs, etc.) to ensure that we realize the full useful life of these routes. Maintaining these routes saves us millions.

Congress should also increase appropriations for Office of Indian Energy and Economic Development programs within the Interior Department and for the construction budgets of the BIA and the IHS to help tribes build, rehabilitate and maintain schools, police departments, courts, hospitals and clinics and wellness centers. We also urge Congress to appropriate FY 2011 funding for the Tribal Work Experience Program (TWEP) to help our members obtain the job skills they require to compete in a competitive labor market.

**PUBLIC SAFETY NEEDS** – We have far too few public safety officers patrolling our eight districts and small communities on our 2.3 million acre reservation. In the spring and summer of 2008, following the deaths of several of our members, the BIA began “Operation Dakota Peacekeeper” as part of the Interior Department’s Safe Indian Communities initiative to reduce crime, target illegal drug activities and provide much needed investigative support to prosecute domestic violence and crimes against children. A total of 56 BIA officers were detailed from their reservations to Standing Rock over a seven month period. This more than quadrupled our normal BIA Police force. Before the surge, we had only ten BIA public safety officer positions filled. This was enough for only two officers per 24-hour shift to patrol a 2.3 million acre reservation encompassing four towns, eight separate communities, 2,500 miles of roads, and a population of 10,000 residents. In the month of June, police made a total of 541 arrests. Of these, 341 arrests, about 2/3 of all arrests, were made by surge officers.

The public safety surge was a big success. Our members, especially our Tribal elders, felt safe in their homes and began leaving doors unlocked and windows open at night. It also highlighted the glaring need for greater numbers of patrol and other public safety personnel on our reservation. Recently, the Tribe volunteered to be one of four tribes participating in the Interior Department’s 24-month Reduction in Crime Initiative.

We support the President’s increases in the FY 2011 budget to add \$19 million above the FY 2010 enacted level for the BIA to reimburse the Justice Department so that agency may hire 45 FBI agents to investigate crimes but more public safety officers are needed.

The Standing Rock Sioux Reservation lies in BIA District 1 which encompasses the eight state region of the Dakotas, Nebraska, Minnesota, Iowa, Wisconsin, Illinois, and Michigan. A 2006 Gap Analysis performed for the BIA identified that District 1 had 108 law enforcement officers, but needed 483 officers, a gap of 375 officers or 78% unmet staffing need. District 1 had 30 detention staff, yet needed 177 corrections officers, a gap of 147 or 83% unmet staffing need. A 1997 Justice Department study found that Indian Country had 1.3 officers for every 1,000 inhabitants, versus 2.9 officers in non-Indian jurisdictions. BIA District 1 is among the areas with the greatest need. While the BIA has made some improvements in the number of law enforcement and detention officers, the gap has not been closed. This places our communities at risk.

BIA equipment and technology is outdated, including police cruisers, radios and communications infrastructure. We do not even have access to computerized law enforcement statistics. We have no 9-1-1 service on the Reservation. In emergencies, Tribal members residing on the South Dakota portion of the Reservation who dial 9-1-1 reach the McLaughlin or Mobridge police departments.

To address these shortfalls, we recommend that BIA Criminal Investigations and Police Services should be funded \$25 million above the FY 2010 enacted level. BIA Detention/Corrections should be increased by \$10 million. We recommend the BIA Public Safety and Justice Facilities Improvement and Repair program be funded above the FY 2010 enacted level, and we request an additional increase of \$20 million for the Tribal Justice Support program to improve Tribal Courts. Congress must also provide funds for BIA facilities and construction for short-term and long-term housing for public safety officers as a recruitment and

retention tool. These increases should continue incrementally each year until the recommendations of the Gap report are met.

We strongly support the Administration's efforts to work with the United Tribes Technical College in Bismarck, ND to provide a "bridge program" to state-certified public safety officers to meet mandatory minimum training requirements for federal law enforcement service. There is still a need, however, for a Northern Plains BIA Law Enforcement Academy so that more officers can be trained and tribes in the Great Plains, Rocky Mountain, Midwest and other proximate BIA Regions can send members to a training academy closer to their home reservations.

**EDUCATION NEEDS** – According to NCAI, Native Americans attain bachelor and higher education degrees at half the rate of their non-Indian counterparts. At Standing Rock, our Tribe has provided \$3 million over three years to support a scholarship program to provide over 300 students with grants of between \$3,000-\$3,500/semester which allow them to pursue degrees from accredited colleges, universities and vocational schools. BIA financed scholarships total about \$500,000 per year (meeting 25% of need). By providing scholarships to our students, they are able to remain in school and obtain a degree and education that can open doors to life-time careers. Education is so critical to the future of our members and can lift them out of poverty. We cannot do this alone and require increased funding for this vital program. We are pleased to report that in a joint venture with the BIA and IHS, the Tribe built a new elementary school and our children are excited to move into the new structure next month.

**HEALTH CARE** – According to the Senate Committee on Indian Affairs' Views and Estimates letter concerning the FY 2010 budget, the need for Contract Health Services (CHS) for Native Americans exceeded \$1.0 billion. The President's FY 2011 budget proposes an \$84 million increase in CHS from \$780 million to \$864 million. This would still represent at least a 15% shortfall in CHS needs. By any objective measure, health care funding for Native Americans is far too low. This deprives so many of our members a healthy and long life.

Throughout Indian country and certainly here on Standing Rock, many members go without needed health care services each year because of inadequate CHS dollars. As Congress enacts sweeping health care reforms, we urge Congress to increase CHS appropriations and increase the IHS' Hospitals and Clinics funding generally, so that Tribes and the IHS may more comprehensively address the health care needs of our members.

We also supports increased funding to cover the BIA and IHS contract support cost (CSC) obligations that exist under self-determination contracts, including our Tribe's contracts. Although we support the President's impressive proposed increase of \$45 million for IHS contracts, that sum will only cover the CSC obligations associated with the proposed FY 2011 program increases. The increase therefore will not begin to touch the recurring \$105 million shortfall that currently exists. To the extent budgetary concerns foreclose tackling this entire shortfall in one year, we support added increments of \$35 million for each of the next three years to finally get these contracts paid in full. For similar reasons, we support the President's proposed increase in CSC funding for the BIA, and hope that by adding \$23 million more in FY 2012 and FY 2013 the BIA's shortfall will at long last similarly be resolved.

Thank you for providing our Tribe the opportunity to present testimony.

**Written Testimony Submitted by Teachers, Veterans & Medical Scientists  
Team El Toro**

**To the House Subcommittee on Interior, Environment, and Related Agencies  
Appropriations Committee of the United States House of Representatives**

**Focus: US EPA and Children's Health at Schools on or near Military Bases**

**March 19, 2010**

The US EPA is taking steps to increase the protection of children from toxic chemicals and other agents. One area of concern is exposure at schools in contaminated areas. Work on this is critical to the health of our nation, and to the happiness and well being of communities and families. There is a sound scientific basis for concern regarding children's health at schools located on or near military bases, due to contamination and hazardous operations. This health concern has not been carefully evaluated to date, and we believe it requires attention from the US EPA, with corresponding funding for evaluation and the development of protective options.

Numerous military bases within the United States have contaminated water and soil. 130 bases are formally designated as National Priority Sites, commonly referred to as Superfund sites. These sites contain chemicals, radioactive materials, asbestos, and other highly toxic materials. The contamination of soil creates airborne hazards and contamination that can easily blow onto adjacent land. Water contamination on the bases has reached aquifers that supply drinking water at some bases. And on-site toxic waste disposal that is inadequately controlled is a source of soil, air, and water contamination on and off the bases.

Our concerns about base school hazards arise from direct observation and study of one base, the El Toro Marine Base near Los Angeles, and its elementary school. The decommissioned El Toro base is now a Superfund site where dozens of chemicals were found in the soil and ground water. Toxic chemicals include solvents, banned pesticides, and many other hazards known to cause cancer, birth defects, and other serious health problems.

The El Toro Marine Corps School, an elementary school that operated until the late 1990's, was downwind of a "burn pit" used weekly to incinerate a wide range of materials. The pit was ignited using jet fuel and other fuels in an exercise that disposed of debris and trained the base crash crew. But the fuels were carcinogenic, and oily particular matter settled outside and inside the school covering books, chairs, desks, and other items children used, according to teachers.

Numerous children at the small schools were diagnosed with cancer, and many other health problems were reported. We do not know if the burn pits or other base contamination caused the illnesses and deaths. However, it was clearly an unhealthy and unsafe situation for children. Military families relied upon the only school they had access to, and their children were put at risk because no government agency was protecting them from environmental pollution.



We have reviewed contamination files of other bases still in operation that may pose health risks. Highly toxic chemicals used for maintenance, cleaning, pest control, and other operations were common, and some continue to be used on bases. Burn pits, which were standard wherever aircraft were located, caused severe air pollution and soil contamination. Recognition of existing hazards and mitigation of future hazards are fundamental steps towards essential environmental protections and sound public health practices that will prevent harm to children and teachers.

The US EPA has extensive experience with indoor and outdoor contamination, and expertise regarding the special vulnerabilities of children. All schools in high pollution areas merit scrutiny, but schools contaminated by military bases require special attention because military families that rely on the schools often have no other educational options. Limited salaries and base housing locations dictate where children in military families spend their days. Although base resources should help military families, hazards at schools and in housing areas can pose health risks to children. The elementary school at the El Toro Marine base is now closed, but many other schools on or near bases remain in operation.

**We request that the US EPA be funded to conduct detailed evaluations of schools on or near military bases to assess contamination and health risks, and to engage in aggressive enforcement & protective actions on behalf of children at schools where risks exist.**

Those who serve in the military anticipate hazardous conditions will occur. However, military personnel do not anticipate that their families will be harmed because they choose to serve. The US EPA is in the position to provide objective evaluations of the potential for harm to school children, develop risk mitigation strategies, and communicate hazard information to the public, based on extensive experience in these areas.

Considerable attention is justifiably focused on urban schools where contamination jeopardizes students' health. We ask that attention and resources also be focused on the schools where children of military personnel may be at risk.

Respectfully submitted by the following individuals,

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Journalist and former teacher

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Submitted electronically on March 19, 2010 to: [INApprop.Detailee@mail.house.gov](mailto:INApprop.Detailee@mail.house.gov)



Written Statement of  
Theatre Communications Group  
Submitted March 19, 2010  
Subcommittee on Interior, Environment, and Related Agencies  
Committee on Appropriations | United States House of Representatives  
The Importance of Increased Federal Funding for the National Endowment for the Arts (NEA)

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Mr. Chairman and distinguished members of the subcommittee, Theatre Communications Group – the national service organization for the American theatre – is grateful for this opportunity to submit testimony on behalf of our 473 not-for-profit member theatres across the country and the 32 million audience members that the theatre community serves. **We urge you to support an increased appropriation of \$180 million for the National Endowment for the Arts.**

Indeed, the entire not-for-profit arts industry stimulates the economy, creates jobs and attracts tourism dollars. The not-for-profit arts generate \$166.2 billion annually in economic activity, support 5.7 million jobs and return \$12.6 billion in federal income taxes. Art museums, exhibits and festivals combine with performances of theatre, dance, opera and music to draw tourists and their consumer dollars to communities nationwide. Federal funding for the arts creates a significant return, generating many more dollars in matching funds for each federal dollar awarded, and is clearly an investment in the economic health of America. In an uncertain economy where corporate donations and foundation grants to the arts are diminished, and increased ticket prices would undermine efforts to broaden and diversify audiences, these federal funds simply cannot be replaced. Maintaining the strength of the not-for-profit sector, along with the commercial sector, will be vital to supporting the economic health of our nation.

Our country's not-for-profit theatres develop innovative educational activities and outreach programs, providing millions of young people, including "at-risk" youth, with important skills for the future by expanding their creativity and developing problem-solving, reasoning and communication abilities – preparing today's students to become tomorrow's citizens. Our theatres present new works and serve as catalysts for economic growth in their local communities. These theatres also nurture – and provide artistic homes for the development of – the current generation of acclaimed writers, actors, directors and designers working in regional theatre, on Broadway and in the film and television industries. At the same time, theatres have become increasingly responsive to their communities, serving as healing forces in difficult times, and producing work that reflects and celebrates the strength of our nation's diversity.

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**Here are some examples of NEA funding impact:**

***From the NEA's Access to Artistic Excellence Program:***

**Signature Theatre located in Arlington, Virginia received a \$40,000 Access to Artistic Excellence grant from the NEA** to produce *Sycamore Trees*, the second commission of Signature's American Musical Voices Project. Backed by an eight-member cast and an eight-piece orchestra, *Sycamore Trees* is an autobiographical musical about a working class Jewish family and their struggle to rely on each other through good times and bad. Renowned composer, Ricky Ian Gordon has described his inspiration for the piece: "When my father came home from World War II in 1945, my family lived in a crowded tenement in the Bronx, poor and with bed bugs. Then my parents got the idea to move to the suburbs where the dream of life flowering in a clean and spacious environment promised to be the answer. This is the story of a family and what happened to them." *Sycamore Trees* is directed by Steppenwolf Theatre member and nationally acclaimed director Tina Landau and stars Marc Kudisch, Judy Kuhn, and Diane Sutherland. It should also be noted that Signature Theatre was honored with the 2009 Regional Theatre Tony Award.

**Utah Shakespearean Festival received a \$25,000 Artistic Excellence grant from the NEA** for its production of *Great Expectations*, a world premier adaptation based on the novel by Charles Dickens. This support will enable the company to present a new, exciting musical, adapted by Margaret Hoorneman, of this rich classic novel. A story of class, crime, and moral obligation, Dickens' *Great Expectations* focuses on many of the most pressing questions and challenges still faced in today's world. The festival is located on the Southern Utah University campus in Cedar City, a community of approximately 28,000 people, and the company will present the exciting, accessible, and relevant story to their audience of 110,000, roughly 40% of which travels from out of state to attend the festival.

***From the NEA's Challenge America Program:***

**Sierra Repertory Theatre in Sonora, CA received a \$10,000 Challenge America grant from the NEA** that will support professional guest artist salaries for an eight-week production of the musical *Big River: The Adventures of Huckleberry Finn* from July 16-August 29 at the historic Fallon House theatre in Columbia State Historic Park. The project also includes a significant educational component: reduced-cost student matinees, discounts for families, a partnership with the public library's summer reading program, and assistance as teachers incorporate the play into their curriculums. This summer production is a perfect fit for the historic venue, and promises to make a significant economic impact in this rural, remote community.



***Funding from the American Recovery and Reinvestment Act:***

**Idaho Shakespeare Festival received funds under the American Recovery and Reinvestment Act and administered by the NEA** to specifically support the work of one director, four designers, nine actors and two stage managers. This grant was the first source of new funds extended to the Festival following the onset of the recession in 2008. It enabled a production of *Othello*, which spoke to the core mission of the company, while also creating another fifteen to twenty jobs for supporting actors and technicians. In addition, it guaranteed ancillary educational opportunities provided by these artists to the Festival's summer camps, high school apprentice company, professional interns and community outreach programs. The Festival's Board has more than matched the stimulus funds through a special effort called "The Company We Keep," and is using its success to study a broader community approach to further ensuring the long-term solvency, stability and growth of Idaho's flagship theatrical and arts-educational enterprise.

These are only a few examples of the kinds of extraordinary programs supported by the National Endowment for the Arts. Indeed, the Endowment's Theater Program is able to fund only a portion of the applications it receives, so the remaining theatres are turned away because there aren't sufficient funds. Theatre Communications Group urges you to support increased funding for FY11 for the NEA, so that more not-for-profit professional arts organizations can continue to educate and entertain audiences, train the next generation of artists, and generate local revenue nationwide.

The American public favors spending federal tax dollars in support of the arts. Today, federal arts funding enjoys solid bipartisan support in the House and Senate. The NEA is funded at \$167.5 million in the current fiscal year (FY10); however, it has never recovered from a 40% budget cut in FY96 and its programs are still under-funded. It has had small incremental increases in the past years. A total appropriation of 180 million for FY11 would restore and rebuild the agency to an appropriate level.

Thank you for considering this request.

**Testimony of Kathy DeCoster**  
**Vice President and Director of Federal Affairs, The Trust for Public Land**  
**Regarding the Land and Water Conservation Fund, the Forest Legacy Program,**  
**And Land Conservation Grant Programs**  
**Before the House Appropriations Subcommittee**  
**on Interior, Environment and Related Agencies**  
**March 19, 2010**

Chairman Moran, Ranking Member Simpson, and distinguished members of the Subcommittee:

Thank you for this opportunity to submit testimony on behalf of The Trust for Public Land (TPL), a national nonprofit land conservation organization. I am pleased to offer our views on a number of critical land conservation programs that the Subcommittee will be considering as you draft your FY 2011 bill. We recognize that the Subcommittee will face a variety of big-picture challenges, including a scarcity of dollars, in meeting the broad range of priority needs in the Interior and Environment bill this year. Recognizing as well the longstanding leadership and vision of Chairmen Obey, Moran, and Dicks; the effective balance that they, Ranking Member Simpson and other members of the Subcommittee have crafted in the past; and the Administration's clear commitment to conservation as evidenced through its recommended increases for land conservation in the President's budget, we remain very hopeful that the FY 2011 bill will provide enhanced funding for conservation programs.

**Land Conservation in America – Our Perspective**

Since 1972, TPL has worked in communities across the country to assist national, state, and local public agencies, private landowners and concerned citizens working to protect our country's heritage of natural, cultural, recreation and other vital resource lands. Our work runs the spectrum of conservation initiatives: creating community gardens and city parks to help revitalize urban neighborhoods; preserving working farms and forests with public and private partners; maintaining wildlife corridors and enhancing public recreation opportunities in state parks; and acquiring critical inholdings that ensure public access to recreation and protect natural resources inside federal boundaries.

In total, TPL has completed more than 3,900 land conservation projects that together have protected some 2.8 million acres in 47 states. Roughly one-third of these special places were conserved either through outright federal acquisition of lands or easements, or through federal assistance to state and local governments. Given the importance of non-federal public dollars for conservation, since 1994 TPL has helped states and localities craft and pass over 330 ballot measures, generating almost \$25 billion in new conservation-related funding.

In partnership with concerned communities, willing seller landowners, and public lands agencies, TPL brings practical conservation real estate expertise to help achieve land and resource protection. Given the limited public conservation funding at all levels of government, these transactions often require a creative blending of funding sources. TPL works to leverage federal land acquisition dollars, bringing to bear private philanthropic support as well as state and local funding sources to forge workable solutions to complex conservation funding challenges.

We are extremely grateful for the remarkable efforts of many members of this Subcommittee and other conservation leaders in Congress to maintain funding for federal land acquisition and partnership programs. TPL respectfully requests that you continue the commitment to federal land conservation accounts by supporting funding levels for the **Land and Water Conservation Fund (LWCF)** at \$425 million for federal land purchases, \$175 million for grants to states for parks and outdoor recreation, and \$150 million for the **Forest Legacy Program**. These increases would go a long way towards putting us on the path to full and consistent funding for LWCF at \$900 million annually as authorized by Congress.

TPL thanks the Subcommittee for its strong support of these key programs in FY 2010. We also welcome President Obama's budget recommendation of \$534 million for these programs in FY 2011 and the continued commitment to achieve full funding by FY 2014. We urge you also to support complementary conservation funding through the Cooperative Endangered Species account, the North American Wetlands Conservation Act, the State and Tribal Wildlife Grants account, and the newly authorized Community Forest and Open Space Conservation Program.

#### **Federal Side of the Land and Water Conservation Fund**

The Subcommittee is of course well aware of the imminent threat to our federal public lands from incompatible development. At any time, development threatens nationally prominent sites like the viewshed from George Washington's Mount Vernon estate, across the Potomac River in Piscataway Park, or creates management and wildlife corridor challenges on checkerboard timberlands in Western national forests. In our experience, private landowners within or adjoining our federal public lands are open to and quite often seek a conservation solution. Faced with uncertainty about the availability of federal land acquisition dollars, however, many landowners find that they cannot afford to wait on a win-win outcome. Adequate and timely federal land acquisition funding is critical to efforts to protect the nation's public lands heritage when these time-sensitive acquisition opportunities arise. Further, the downturn in the economy presents a 'silver-lining' opportunity to stretch federal dollars further and to acquire and protect high-priority properties that in a more robust climate might otherwise have been lost to development.

For 45 years, LWCF has been the cornerstone that sustains our federal public lands heritage and remains a compelling program. Interior Secretary Salazar said it well in 2009: "I believe we can also find common purpose in a vision for land conservation that President Kennedy first dreamed in 1964. President Kennedy's idea was simple: We should be using the revenues we generate from energy development and the depletion of our natural resources for the protection of other natural resources, including parks, open space, and wildlife habitat." This concept remains a sound one today, yet despite an astronomical increase in oil and gas receipts over those many years, as well as increased pressure from development as our nation's population has grown, fulfilling this vision remains elusive.

As the Subcommittee evaluates the myriad programmatic needs and funding requests for the FY 2011 Interior and Environment Appropriations Bill, we would urge consideration of three overarching reasons to maintain investments in LWCF acquisitions.

#### **1. Land acquisition improves land management.**

Public land units designated for conservation and public use often contain privately owned lands within their boundaries (inholdings) and immediately adjacent to them. Many of these properties hold critical biological, historic, cultural, and recreational values and are only made available for public purchase for a limited period of time. Maintaining sufficient levels for federal LWCF is critical to ensuring that agencies can work with willing landowners to protect these vital resources. By purchasing inholdings from willing landowners, land managers ease obstacles in the path of improving water quality, wildlife habitat, public access, and historic preservation. Additional benefits to ecosystem-wide management include the control of invasive species, reduction of wildfire risks, increase of recreational activities, and consolidation of ownership within wildlife migration corridors. If inholdings are developed, rather than protected, they present a new set of challenges for land managers. Development in pristine areas reduces water quality in watersheds relied on by millions of Americans, increases the costs and damages from fires, scars scenic viewsheds, can restrict access for recreational activities, and fragment wildlife habitats.

#### **2. Land acquisition ensures public access and recreation and contributes to the economy.**

Every year tens of millions of Americans, as well as international visitors to our country, visit our public lands. Once on the land these visitors hike, camp, hunt, fish, bike, raft, ski, and watch wildlife. Public lands are often the best places for students and adults alike to learn about our history and view science and nature in action. Federal funding of land acquisition ensures that the public can access lands

for these recreational and educational purposes. If accessible properties are instead sold to developers, there is no guarantee that the public will be able to enjoy the nearby public lands, for the simple reason that they become inaccessible. Properties along roads and rivers are prized by recreationalists not only for their resources, but also for the chance to easily arrive at the site. Not surprisingly, these accessible sites are also prized for second homes and other converted uses. Purchase can also enhance the quality of recreational experiences, encouraging greater public participation. They can allow access to properties by land managers, which can foster management methods – such as trail signage and maintenance – that accommodate and promote safer, higher quality recreation.

There is a clear economic impact from these activities. A 2006 federal interagency study determined that 87.5 million people annually spend \$122.3 billion on fishing, hunting and wildlife watching alone. These activities and others have significant ripple effects. The Outdoor Industry Foundation estimates that active outdoor recreation contributes \$730 billion annually to the U.S. economy, supports nearly 6.5 million jobs across the U.S., generates \$49 billion in annual national tax revenue, and produces \$289 billion annually in retail sales and services across the country.

### **3. Land acquisitions provide for management efficiencies and cost savings.**

When land management agencies purchase strategic properties, there are numerous budgetary benefits from management efficiencies. Development can substantially increase the potential for invasive species introduction and wildfires, which can lead to substantial agency costs. Conflicts over land use and ownership can be reduced, enhancing visitation and its economic impacts and allowing managers to focus their attention on other pressing needs. Acquisitions can also allow federal and state land and/or wildlife management agencies to better meet goals for wildlife management, including sensitive species. Land managers support federal LWCF requests because they understand the level to which acquisitions can allow management to be more effective. As an example, acquisition of several parcels in Mount Rainier National Park will allow the National Park Service to safely relocate visitor facilities, a campground, and trailheads from a previous site that was chronically flooded and damaged.

### **State Side of the Land and Water Conservation Fund**

LWCF's stateside program also faces an array of conservation opportunities and threats in FY 2011. Since 1965, the stateside program has provided 41,000 grants to states and local communities for park protection and development of recreation facilities. This program reaches deep into communities across our nation, supporting citizen-led efforts to conserve places of local importance, many with TPL's help. A stateside LWCF grant recently helped the Town of Dunstable, MA protect 149 acres of rolling forestland and an adjoining historic home. Stateside funds were an essential part of land protection in Maine's famed 100-Mile Wilderness, the northernmost and wildest stretch of the Appalachian Trail. Most recently, TPL worked with the state of Tennessee to add 1,388 acres to the popular Cumberland Trail, extending it by 19 miles, using state LWCF grant funding. To meet needs such as these as they continue to arise in all 50 states and in U.S. territories, we urge you to fund this program at \$175 million.

### **Forest Legacy Program**

The U.S. Forest Service Forest Legacy Program provides extraordinary assistance to states and localities seeking to preserve important working forests. Each project tells a story of land or resource protection and collaboration among federal, state and local partners. Each also includes significant state, local and/or private matching funds and a long-term commitment to nonfederal management. Since its inception in 1990, the Forest Legacy Program has protected over 1.9 million acres of forestland. Demand for the program is strong. For FY 2011, 63 conservation projects were submitted to the Forest Service by 41 states; the requests total over \$200 million in Forest Legacy Program need to protect 361,604 acres of forestlands valued at over \$437 million. We enthusiastically support efforts by the Obama Administration to increase funding for this program. The program's continued inability to meet demand will have a long-term impact on the multiple public benefits that derive from forests – clean water, wildlife protection, climate change adaptation and mitigation, public access to recreation, economic development and sustainable forestry.



**Fish and Wildlife Service – Land Conservation Grant Programs**

We are grateful for the Subcommittee's continuing efforts to support U.S. Fish and Wildlife Service grant programs. While funding has remained relatively stable in recent years, these conservation programs are consistently oversubscribed and unable to meet the overwhelming demand for cooperative grants. Through your continuing leadership and commitment, funding for the **Cooperative Endangered Species Conservation Fund** – leveraged by state and private funds – has protected threatened and endangered species habitat across the nation. Support provided through the Fund's land acquisition grants are allowing for huge gains in habitat consolidation. We urge your support for program funding at the increased level of \$100 million in FY 2011. The **North American Wetlands Conservation Act (NAWCA)** provides much-needed matching grants to carry out wetlands conservation, restoration and enhancement projects. We commend your leadership in supporting continued funding for this program and urge the Subcommittee to increase funding over the President's request and FY 2010 enacted level for this highly matched program. Finally, we urge you to fund the **State and Tribal Wildlife Grants Program** at the level of \$90 million in FY 2011 as proposed in the President's request. This strategic funding program supports grants aimed at preventing wildlife from becoming threatened and endangered through strategic conservation investments in every state and territory.

**Community Forest and Open Space Conservation Program**

Lastly, we commend the Subcommittee's attention to the new **Community Forest and Open Space Conservation Program** authorized in the 2008 Farm Bill. We believe that local communities and tribes can play an important role in shaping our nation's forest future. The U.S. Forest Service has been highly effective in fostering strong public-private partnerships for conservation and stewardship across federal, tribal, state, local, and private forest boundaries. Helping communities and tribes to purchase forests threatened by conversion and carefully manage these lands for the future can greatly aid integrated resource management across the landscape while creating lasting economic and societal benefits in home communities. This new program will provide a complement to existing conservation programs by targeting the acquisition of critical forestlands within and for specific communities.

The rule-making process for this program is moving towards completion this summer, and we expect that with FY 2011 funds, CFOSCP will be in a position to review and award its first grants. The anticipation for this new funding opportunity is palpable in communities and tribes in all parts of the nation. Every federal dollar from CFOSCP will be evenly matched by funding from state, local, and private sources. We encourage you to include this new program in the FY 2011 bill at a minimum of \$10 million. While the actual funding need is much greater, we think this funding level would be appropriate to get the program started on solid footing.

**For the Future's Sake**

The programs highlighted in this testimony determine the fate of our nation's most treasured public lands and our local communities' real needs. Just as much, they make a real difference in the lives of countless Americans. Whether we walk in a local park, learn a valuable piece of American history, cross-country ski through a national forest, hike a national scenic trail or canoe across a lake or a bayou, our daily lives are healthier and reinvigorated by the public land and outdoor experiences these federal programs foster. The Trust for Public Land will continue to invest its resources to protect our nation's natural, cultural and recreational heritage. As ever, we are deeply thankful for the Subcommittee's recognition of the importance of these efforts. We urge you to renew the investment in these programs and stand ready to work with you to accomplish great things. Thank you for help and support, and for your consideration of our requests.

Statement of Kathy DeCoster, Vice President and Director of Federal Affairs  
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**Testimony of Nancy Warren  
Of the Upper Peninsula Public Access Coalition  
In Support of Land and Water Conservation Fund funding  
At Ottawa and Hiawatha National Forests, Michigan  
U.S. Forest Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

On behalf of Upper Peninsula Public Access Coalition (UPPAC), I appreciate the opportunity to present this testimony in support of acquiring land at the Ottawa and Hiawatha National Forests in Michigan. An appropriation of \$4.8 million is needed in FY 2011 from the Land and Water Conservation Fund in order for the Forest Service to acquire three tracts totaling 3,454 acres. This project was recognized in the President's Budget as a Forest Service priority at an amount of \$1.3 million. However, the full \$4.8 million is needed to acquire these critical properties.

The Upper Peninsula Public Access Coalition is a volunteer organization comprised of concerned citizens dedicated to the protection and preservation of the region's environmental quality and way of life. The common thread that connects us all is our appreciation for the aesthetic beauty of undisturbed shorelines as well as our use, enjoyment and deep concern for the lakes, streams, rivers and woodlands of Michigan's Upper Peninsula.

With its pristine rivers, winding streams, and vast wilderness areas, Michigan's Upper Peninsula shapes the rugged character of the upper Great Lakes region. Ensuring the lasting protection of this region's diverse ecosystems, preserving sensitive wildlife habitat, and securing lasting recreational opportunities are important conservation objectives identified by the U.S. Forest Service that help address the goals of the Great Lakes Restoration Initiative, established by Presidential Executive Order in February 2009.

The Great Lakes, Great Lands – Upper Peninsula conservation project proposed for funding in FY 2011 would greatly advance these objectives by incorporating more than 3,500 acres of private land in the Upper Peninsula into the Ottawa and Hiawatha national forests. In collaboration with regional landowners and non-profit partners, the forests are working to protect wetland ecosystems, conserve open space, and expand public access in the Upper Peninsula—all while promoting sustainable forest management of the region's timber resources.

Acquisition of these properties will keep a significant portion of the Upper Peninsula's pristine landscape intact, which in turn supports efforts to address the threat of global warming, as forested landscapes play an increasingly important role in sequestering carbon. Successful

implementation of this landscape-scale project will help ensure the integrity of the wilderness experience and the protection of a truly unique natural resource area in the Upper Peninsula.

#### Ottawa National Forest - Prickett Lake Phase II

Prickett Lake, located within the Kenton Ranger District of the Ottawa National Forest, was the highest-ranked FY 2010 acquisition priority for the Eastern Region of the Forest Service and received partial funding through the Land and Water Conservation Fund in the FY 2010 appropriations cycle that will allow for a portion of the property to be protected.

Upstream and downstream of Prickett Lake are designated sections of the Wild and Scenic Sturgeon River, which flows directly into Lake Superior. The Prickett Lake property is immediately adjacent to the iconic Sturgeon River Gorge Wilderness and includes a portion of the remarkable North County National Scenic Trail, which stretches more than 4,600 miles from New York to North Dakota and is the nation's longest national scenic trail.

The wilderness areas surrounding Prickett Lake host a diverse range of wildlife habitat for gray wolves, Canada lynx, ruffed grouse, bald eagles, minks, woodcocks, foxes, black bears, white-tailed deer, and a variety of fish. Prickett Lake is upstream to one of the last remaining productive spawning areas for lake sturgeon in the entire Lake Superior watershed. This area's pristine water quality helps protect the overall health of the Sturgeon River watershed. In FY 2011, \$1.3 million is needed from the Land and Water Conservation Fund to complete this key priority of the Great Lakes, Great Lands – Upper Peninsula initiative.

#### Ottawa National Forest – Victoria Lake

Available for acquisition in the Ottawa NF are the 370-acre Victoria Lake tracts, which lie along the south and eastern shores of Victoria Reservoir and the West Branch of the Ontonagon River. These tracts are part of an intact forested landscape that stretches for miles both north and south of the reservoir. Acquiring the Victoria Lake properties would advance the Great Lakes Restoration Initiative by protecting the water quality of the West Branch Ontonagon Wild and Scenic River—a Congressionally designated recreational wild and scenic river for nearly a third of a mile within the project area. Like the Prickett Lake property, the Victoria Lake tracts are also traversed by a portion of the North County National Scenic Trail.

The Victoria Lake properties also provide significant opportunities for the conservation, restoration, and improved management of a number of quality wildlife resource values, including bald eagle and wetland habitat. These parcels would add to the connectivity of wildlife habitat already managed as public land in the area. The steep, north-facing slopes above the reservoir and river are uncommon in the area and provide ideal surroundings for boreal species to persist in the face of changing climatic conditions. Should vulnerable species begin to disappear across much of this landscape as a result of increasing heat and drought conditions, surviving populations are expected to endure in the moist north-facing coves of these parcels. Acquisition of the Victoria Lake parcels will help the Forest Service maintain intact forest landscapes that are resilient to climate changes and contribute to ongoing carbon-sequestration efforts. In FY 2011, \$1 million is needed to permanently protect the lands around Victoria Lake.

Hiawatha National Forest – Hiawatha Watershed Health Project Phase I

The Hiawatha Watershed Health Project is a landscape-scale conservation project focusing on the restoration and maintenance of watersheds that serve the central and eastern portions of the Upper Peninsula. As part of the Hiawatha Watershed Health project, the Hiawatha National Forest proposes to begin the acquisition of important resource lands from Plum Creek Timber Company, an effort that when completed will significantly consolidate federal ownership and help ensure the protection and conservation of three separate watersheds that drain into the northern Great Lakes. The conservation of these watersheds and extensive wetland areas would help support the objectives of the Great Lakes Restoration Initiative.

Consolidation of federal lands associated with the Hiawatha Watershed Health Project would also enhance recreational opportunities and protect habitat for a number of species facing extinction. Acquisition of several parcels near the Bay de Noc to Grand Island Trail would improve management and protection of the visual and scenic qualities of this popular hiking trail, which is listed on the State Register of Historic Places. The tracts offer secluded older forest habitat that favors the recovery of the endangered Eastern gray wolf, the threatened Canadian lynx, and other sensitive species, including the northern goshawk and the red-shouldered hawk. Acquisition of these parcels would preclude further subdivision of the land and the conversion to alternative uses, such as rural residential development. The impact of conversion on natural resources and public access would likely be significant if these lands are subdivided and sold to multiple landowners. An appropriation of \$2,500,000 from the Land and Water Conservation Fund in FY 2011 for the purchase of 2,500 acres of these important resource lands will protect critical watershed areas in the Upper Peninsula and support the objectives of the Great Lakes Restoration Initiative.

The Great Lakes, Great Lands – Upper Peninsula project represents a substantial step toward achieving landscape-scale conservation that will provide significant watershed protection, safeguard substantial wildlife habitat, and address the threat of climate change. A total appropriation of \$4,800,000 from the Land and Water Conservation Fund is needed in FY2011 to achieve this extraordinary conservation goal.

In closing, the Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Michigan, and I appreciate your consideration of this funding request.

Sincerely,

Nancy Warren  
Upper Peninsula Public Access Coalition  
[www.uppac.com](http://www.uppac.com)  
PO Box 102  
Ewen, MI 49925  
906 988 2892

**Testimony of Trout Unlimited  
Chris Moore  
Vermont Council Chair  
National Leadership Council Representative  
[vermont.tu@gmail.com](mailto:vermont.tu@gmail.com)  
In Support of Land and Water Conservation Fund funding  
At Green Mountain National Forest, Vermont  
U.S. Forest Service  
House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman and Honorable Members of the Subcommittee:

On behalf of Trout Unlimited's more than 140,000 members nationwide and more than 1,100 members in the great State of Vermont, I appreciate the opportunity to present this testimony in support of acquiring land at Green Mountain National Forest in Vermont. An appropriation of \$800,000 is needed in FY 2011 from the Land and Water Conservation Fund in order for the Forest Service to complete the acquisition of the 660-acre Deerfield River property. This project is part of a larger request of funds for the national forest.

The Green Mountains of Vermont are one of the northeast region's most popular and heavily-visited areas, which each year draw millions of tourists attracted to its scenic beauty. The forest is within a day's drive for Vermont residents and visitors from the surrounding states of New York, New Hampshire, Massachusetts and Connecticut, and provides easy access to an outstanding recreational area. The Green Mountains region contains outstanding natural resources such as wildlife habitat for black bear, deer, and neotropical songbirds, as well as extensive timber resources. The area boasts excellent trout streams and encompasses the watersheds that provide drinking water for many Vermont communities. The acquisition of properties in the Green Mountain National Forest protects recreational opportunities that have long been important to residents and visitors alike, such as camping, hiking, hunting, and cross-country skiing. Federal appropriations in recent years have allowed the Forest Service to acquire and protect critical watershed properties in the northern section of the forest as well as excellent recreation and habitat lands in the Taconics region.

Two properties totaling 660 acres that lie along the Deerfield River in Readsboro offer substantial aquatic resources and intact forest contiguous to existing Green Mountain National Forest (GMNF) lands. The properties' northern hardwood and conifer forest, 95 acres of wetlands and 1.4 miles of frontage on the Deerfield River provide excellent opportunities for continued forest management, recreation, wildlife habitat protection, and watershed conservation – all of which are US Forest Service strategic

goals for land conservation. Due to the quality of the habitat, ecological and aquatic features, and connectivity with existing GMNF ownership, the properties are a conservation priority of the GMNF. These parcels would complement existing U.S. Forest Service lands and improve access for management and public recreation, and are part of a larger land acquisition program underway at the GMNF in FY 2011.

Trout Unlimited's mission is to conserve, protect and restore North America's coldwater fisheries and their watersheds. Our vision is, by the next generation, to ensure that robust populations of native and wild coldwater fish once again thrive within their North American range, so that our children can enjoy healthy fisheries in their home waters. Due to cool temperatures, excellent water quality, consistent food supply, and high oxygen content, the West Branch of the Deerfield River and its tributaries located within the boundaries of these parcels serve as refugia for wild and native Brook Trout, and have served as a site for Atlantic salmon restoration efforts. Protecting the larger ecological context in which the existing populations of these fish survive is one of the four pillars of the Trout Unlimited conservation framework. Both Trout Unlimited and the Eastern Brook Trout Joint Venture have identified the West Branch subwatershed for highest conservation priority. Against a backdrop of climate change and increased development pressure in Vermont, the Vermont Council of Trout Unlimited views the conservation of these parcels as mission critical.

Additional benefits would accrue to the citizens of and visitors to Vermont. The clean and scenic Deerfield River is a popular recreation destination, used by kayakers, fishermen, and wildlife watchers. By connecting previously unconnected tracts of GMNF, there is an opportunity to link existing hiking and snowmobiling trails and create new trailheads to provide easier public access. The GMNF plans to encourage hunting, hiking, skiing, and other non-motorized recreation, with snowmobiling on designated trails. Home to moose, deer, turkey, and other game species, the property will be a valuable resource to local hunters who have seen access to land decreasing in recent years, as new owners subdivide and post properties that have traditionally been open for hunting. Conservation of this forest will encourage and strengthen the region's forest industries and growing tourism economy by preserving the rural character of Readsboro and providing increased public recreational opportunities.

The forested plateaus, ridges, swales, and drainages provide for diverse ecological assemblages as well as forest structure and function. Black bear, deer, and moose use the properties as forage habitat as well as for their connectivity to existing protected forest. In addition to the dominant birch-beech-maple stands are several conifer stands which offer wintering areas for deer and moose. The 95 acres of wetlands and two miles of headwater streams located on the properties provide habitat for beaver, migratory waterfowl, and other aquatic species.

A Wildlife Habitat Suitability Analysis by Vermont Fish & Wildlife Department showed these properties as highly valuable for black bear and rated this section of Route 100 as an important wildlife corridor. These critically located Deerfield River properties are at risk of development and fragmentation due to their frontage on Route 100 and

proximity to conserved land. A recent USFS publication (*A Sensitivity Analysis of Forests On The Edge*, 2009) shows the Deerfield River watershed to be among the top 10 percent in the country with the highest projected rates of change in housing density between 2000 and 2030.

In FY 2011, an appropriation of \$800,000 from the Land and Water Conservation Fund for the Green Mountain National Forest would allow for the protection of these important natural resource properties, ensuring wildlife habitat connectivity, water quality protection and public recreation opportunities in a threatened landscape.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Vermont, and I appreciate your consideration of this funding request.



STATEMENT OF WELLINGTON, FLORIDA  
SUBMITTED TO THE  
APPROPRIATIONS SUBCOMMITTEE  
ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
UNITED STATES HOUSE OF REPRESENTATIVES

BY:

Mayor Darell Bowen, Wellington, Florida

MARCH 19, 2010

Mr. Chairman and Members of the Subcommittee:

On behalf of The Village of Wellington, Florida, I am pleased to submit this statement for the record in support of our fiscal year 2011 request of \$1.5 million for Wellington's Water and Wastewater Utilities Systems Expansion and Improvement Project. This vital project is a major component of the Village's overall environmental infrastructure program that also includes a Best Management Practices (BMPs) and Mitigation Program.

PROJECT EXECUTIVE SUMMARY

Since its incorporation, Wellington has been a leader in environmental initiatives. Following in the footsteps of its landmark approach for compliance with the 1994 Everglades Forever Act (EFA), which established water quality goals for the restoration and preservation of the Everglades Protection Area, Wellington forged a partnership with federal, state and regional agencies in its effort to restore and preserve the environment while providing responsive, high quality services to its residents. To that end, we are seeking funding to supplement our current funding commitments for construction and improvements of 4.75 MGD, \$23 million wastewater treatment plant providing treatment capacity to support our economic development efforts, 100% reuse minimizing water resource impacts/energy use and 100% environmentally friendly Class AA bio-solids as well as construction of 3.6 MGD, \$9 million water treatment plant providing treatment capacity to support job growth, ultra-efficient treatment processes to minimize energy use and ensure compliance with water quality standards.

Specifically, Wellington is seeking \$1.5 million in federal funding to help support its flagship project to improve and repair the aging water and wastewater systems to meet federal regulatory requirements and public safety levels of service. 225 new jobs will be created as a result. The four (4) key projects undertaken by the Village of Wellington, almost totally at local tax payers' expense, is \$35.8 million. They include:

- Wastewater Treatment Plant Expansion Project – This is a \$22 million project to install new technology for treatment of waste effluent for wastewater utility operations.

Additional treatment and reuse capacity and provisions for future bio-solids processing are required to meet increases in population and regulatory requirements.

- **Water Treatment Plant** – This is a \$9.6 million project to replace out-of-date and inefficient water systems and expand the reverse osmosis system to provide more effective systems. Currently this project has been deferred due to lack of funding. This is a critical component in our overall responsible environmental stewardship as it provides us the ability to utilize the Floridian Aquifer as a water supply source in lieu of the surficial aquifer system currently utilized.
- **Reuse Transmission Lines** – This is a \$2.8 million project to install reuse transmission and distribution piping throughout major corridors of Wellington.
- **Storage and Re-pump Renewal and Replacement** – This is a \$1.4 million project to repair, replace and renew existing storage and re-pump facilities throughout Wellington. Repairs are needed to provide a reliable source of potable water service and fire protection service.

Prior to embarking on our ambitious infrastructure project, we have invested \$20 million public dollars in conjunction with the Acme Basin B Discharge project as part of one of 55 projects that comprise the Comprehensive Everglades Restoration Plan (CERP). The Basin B drainage area is part of the Acme Improvement District, which was created by the state of Florida in 1953 to provide drainage for agricultural land in central Palm Beach County. During the 50 years since its inception, land uses within the improvement district have changed dramatically. The Acme Improvement District now serves the Village of Wellington and more than 60,000 residents. Basin B consists of 8,680 acres of low-density development located in the southern half of the Improvement District. The western boundary of Basin B abuts the Loxahatchee Refuge.

Wellington, Florida has 60,000 residents and is a unique mixture of urban, rural, equine and agricultural land uses each having varying impacts on our storm water quality. Through regulations controlling animal waste, fertilizer use and application and specialized development standards, Wellington has demonstrated its commitment to protecting and improving our water resources.

Since 1999 Wellington has played a leadership role in the development and implementation of storm water quality improvements. To date, Wellington has invested more than \$20 million and has partnered with regional, state and federal agencies toward the mutual goal of improving water quality in South Florida and, ultimately, in the Everglades. Some of the projects include a complete re-plumbing of its storm water canal system which eliminated discharges to portions of the Everglades. In addition, a 320 acre preserve was designed and constructed to store and treat storm water runoffs prior to leaving Wellington. Wellington is also the first community in South Florida to adopt and enforce comprehensive Best Management Practices (BMPs) to reduce nutrient concentrations. By 2006, Wellington met the South Florida mandate of phosphorus discharge of 50 ppb into the Everglades.

While Wellington has labored for more than a decade developing and implementing its comprehensive storm water projects and programs, others have stood by and watched with great interest. As we now look to the new rules being promulgated by the Environmental Protection Agency designed to create “numeric water quality standards” applicable throughout Florida, Wellington has proactively and independently proposed new BMP regulations and operational protocols designed to further reduce nutrients in our storm water systems.

For Wellington to maintain its leadership role, we are also undertaking a \$2.2 million program to refine further our Best Management Program and continue Wellington’s commitment to environmental protection, including preservation of our water resources.

The Best Management Practices and Mitigation Program is a \$2.2 million project that will develop new Best Management Practices (BMP Phase II) designed to further enhance flood attenuation, improve water quality and provide additional storage of surface water. The project’s goal is to further reduce nutrient concentrations and other pollutants that potentially may enter the regional storm water systems. This goal is consistent with and complimentary to, other State and Federal efforts to improve water quality in South Florida and the Florida Everglades.

Wellington’s efforts have been recognized as innovative and effective. Our experience can serve as a benchmark for others.

#### FUNDING NEEDS

For fiscal year 2011, Wellington, Florida is seeking \$1.5 million from the Environmental Protection Agency through the Appropriations Subcommittee on Interior, Environment, and Related Agencies for its Water and Wastewater Utilities System Expansion and Improvement Project.

On behalf of the Village Council and the citizens of Wellington, Florida, thank you for your consideration of our request.



## Western Interstate Energy Board/ WINB

Douglas C. Larson, Executive Director  
Energy Minerals Reclamation Committee  
Western Interstate Energy Board

March 17, 2010

Alberta  
Arizona  
British Columbia  
California  
Colorado  
Montana  
Idaho  
Nevada  
New Mexico  
Oregon  
Saskatchewan  
Utah  
Washington  
Wyoming

Steve Ellenbecker  
Chairman

Douglas C. Larson  
Executive Director

The Honorable James P. Moran, Chairman  
The Honorable Michael K. Simpson, Ranking Member  
Subcommittee on Interior, Environment and Related Agencies  
House Appropriations Committee  
Room B-308 RHOB  
Washington, DC 20515

Dear Chairman Moran and Congressman Simpson:

On behalf of the coal mine reclamation agencies in the States of Colorado, Montana, New Mexico, Utah and Wyoming, we are writing to convey our concerns with the Administration's proposed 15 percent (\$11 million) reduction in state regulatory grants in FY 2011 authorized under the Surface Mining Control and Reclamation Act (issued by the Office of Surface Mining Reclamation and Enforcement). More than one-half of the nation's coal is mined in our states.

In Fiscal Year 2010, Congress approved an additional \$5.8 million increase for state Title V grants over the FY 2009 enacted level, for a total of \$71.3 million. Congressional action helped avert serious problems in the funding of Western state regulatory programs as outlined in a report we prepared in November 2006, "An Impending Crisis for Coal Supplies" (<http://www.westgov.org/wieb/reclamation/2006/12-01-06finalrpt.pdf>). Congressional action was essential to restoring the federal share of state regulatory programs and reversing a 12-year period during which OSM costs were adjusted for inflation but state regulatory grants were not.

The Administration's proposed FY 2011 budget threatens to undo the progress made by Congress. The Administration's proposal to cut state regulatory

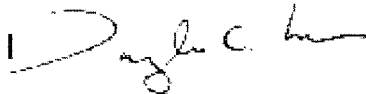
1600 Broadway, Suite 1700, Denver, CO 80202  
Phone 303/573-8910 Fax 303/534-7309  
Home Page <http://www.westgov.org/wieb/>

The Honorable James P. Moran  
 The Honorable Michael K. Simpson  
 March 17, 2010  
 Page 2

grants – a proposal that is based on the unsupported assumption that state permit fees can be quickly raised to fill the budget hole – is completely unrealistic. The most likely outcome of the Administration's proposal is serious erosion of state program capabilities as positions go unfilled, personnel are laid off, and needed equipment purchases are deferred. As state program capabilities erode, so do our abilities to orderly review and enforce coal mine permits and to protect the public from any potential health and environmental impacts of coal mining.

We appreciate the support Congress has provided state regulatory programs through Title V grants and the funding of critical OSM training and technical assistance programs. We urge you to block the Administration's proposals that would undercut effective regulatory of coal mining by the states and maintain the constructive course Congress has been on in the last several years.

Sincerely,



Douglas C. Larson  
 Executive Director  
 Western Interstate Energy Board

Written Statement  
Submitted to the Subcommittee on Interior, Environment, and Related Agencies  
House Committee on Appropriations  
March 19, 2010

Gerald R. Iwan, Ph.D., Executive Director  
National Environmental Services Center  
West Virginia University, Morgantown, WV

Chairman Moran, Ranking Member Simpson, and Members of the Subcommittee:

We request an appropriation of \$3.0 million in FY 2011 to assist small communities in meeting their wastewater treatment needs under the programs of the National Small Flows Clearinghouse (NSFC) and the National Environmental Training Center for Small Communities (NETCSC). Both programs are administered by the U.S. Environmental Protection Agency (EPA) under the Environmental Programs and Management (EPM) account.

**Introduction**

My name is Gerald Iwan and I serve as executive director of the National Environmental Services Center. Our center is home to both EPA and U.S. Department of Agriculture (USDA) funded programs that provide comprehensive environmental services to small communities and rural areas. Our work is focused mainly on drinking water, wastewater, and community resiliency. Two of our major programs—the NSFC and the NETCSC—are the subjects of this testimony. The first two pages outline the need and justification for our request; the last two pages of our testimony provide background information about the NSFC and NETCSC programs.

**Need**

In the 1977 Clean Water Act and its subsequent reauthorizations, Congress mandated the NSFC to collect, distribute information, and provide training about wastewater treatment to small and rural communities. With our expertise in decentralized wastewater treatment and management, the NSFC and its associate program, NETCSC, uniquely support the goals of EPA's Office of Water, protect public health, preserve valuable water resources, and contribute to community economic vitality and resiliency. Nearly one in four U.S. households depends on individual septic or other types of onsite system to treat wastewater. NSFC and NETCSC partner with a wide range of organizations and groups to collaborate in helping states and communities address the service needs for small and rural communities. These communities are most often characterized as being rural, having few financial resources, and as being overseen by elected officials who have limited time and support personnel to make decisions in these matters. The impact of the NSFC and NETCSC information, assistance, and training services includes pollution prevention, environmental protection and public health protection, cost saving to communities and homeowners, regulatory compliance and reform, economic development and resiliency. The congressionally directed funding requested in our testimony will enable us to help these communities with services they will not otherwise obtain.

The Federal Water Pollution Control Act mandates that EPA provide funding through grants and loans for wastewater treatment infrastructure and for technical assistance and training resources to support local officials, wastewater treatment professionals and others in implementing infrastructure projects and in their management and maintenance. As such, the NSFC and NETCSC serve as the underpinning of EPA's cooperative effort with 15 national organizations to support appropriate decentralized wastewater treatment and management. EPA does not explicitly budget funding for small community programs since funds were allocated under the Clean Water Act. Formula funding for the NSFC under the Clean Water Act has expired. The NSFC program requires congressional appropriations to continue our programs while the Water Quality Investment Act of 2009 is being debated in Congress.

### **Request**

Congressional support to continue the work of the NSFC and NETCSC is imperative because the state agencies and communities these programs assist cannot pay on a fee-for-service basis. Neither can state allocations for water and wastewater infrastructures pay for these programs' services. By virtue of the congressional appropriation, we are able to offer most of our services free of charge.

Without congressional support, the NSFC and NETCSC programs will be unable to attain sufficient funding to continue in the near term. In the longer term, the NSFC can be supported under the funding formula provided for this program through renewal of the State Revolving Loan Fund financing section of the Clean Water Act passed by the House in March 2009. While EPA has a mandate to protect drinking water and manage wastewater discharges, the administration budget request typically does not include funding for water programs that serve small and rural communities. Congress regularly adds funds each year to the EPA budget to continue service provider programs to meet the goals established by EPA. In the past, funding for the Clearinghouse and Training Center has been included among the congressional priorities for water-related programs such as the National Rural Water Association, Rural Community Assistance Partnership, Groundwater Protection Council, and similar organizations.

We request reinstated funding support for FY2011 of \$3.0 million for the NSFC and NETCSC programs to support our work until the Clean Water SRF legislation is reauthorized and enacted. Thank you for considering our request.

### **Contact Information**

National Drinking Water Clearinghouse  
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*gerald.iwan@mail.wvu.edu*

Richard A. Bajura  
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### **Background Information About NSFC and NETCSC**

#### *The National Small Flows Clearinghouse*

The NSFC provides information and technical assistance about small wastewater facilities serving the needs of residents located in rural areas and small communities. We assist agencies, organizations, and industries that advance decentralized wastewater treatment as part of the nation's wastewater infrastructure. These technologies are referred to as "decentralized" because they do not require the large infrastructure investment common to centralized municipal collection and treatment systems. Decentralized systems, such as onsite septic systems and small cluster systems, serve 40 percent of the total U.S. population, especially in small communities and in newer residential developments.

Through its congressionally mandated information collection and dissemination mission [1977 Clean Water Act section 104 (q) (1)], the NSFC serves as the national archive for onsite and decentralized wastewater treatment technology information and research. The NSFC was created under the Clean Water Act legislation to provide information and assistance to small and rural communities on proper technology selection and management of onsite and small wastewater systems. As such, the Clearinghouse offers a comprehensive body of information and technical assistance services unique to the wastewater industry. Users of these services include individual homeowners, small town officials who do not have staff support to address regulatory requirements, developers, state regulators, and professionals who install and service alternative treatment systems.

Since its inception and through subsequent Clean Water Act reauthorizations, the NSFC has provided small and rural communities contemporary, objective and comprehensive technical consulting, site-specific technical assistance, information about wastewater systems, and a suite of regularly published and special topic publications targeted to small and rural community needs for wastewater. Now in its 33<sup>rd</sup> year, the NSFC is a long-standing national information resource on wastewater collection and treatment technologies that are appropriate for use in small communities, rural areas and in subdivisions where the cost to provide central sewage services is a significant portion of most municipal budgets.

The NSFC is a highly regarded national source of information about onsite wastewater treatment and management. For example, as part of its holdings, it has the only comprehensive literature database in the nation on decentralized technologies, offering accurate, relevant operation, maintenance and management information to stakeholders. Additionally, the NSFC administers the annual state onsite regulators alliance (SORA) and captains of industry (COI) conference. For the past 11 years, SORA-COI has brought together state onsite wastewater regulators with associated equipment manufacturers and EPA regional managers. This conference has proven to be an extremely valuable resource to the parties and especially to EPA for providing them direct contact with their wastewater regulatory and private sector constituents. Most recently, SORA has become a recognized organization of regulators with bylaws, board of directors, and defined membership criteria under NSFC.

#### *About The National Environmental Training Center for Small Communities*

NETCSC was established by Congress in 1991 as an adjunct to the NSFC to meet the training needs of multiple constituent groups on a variety of environmental topics. NETCSC develops and delivers training for community officials, circuit riders, water and wastewater professionals,



and other groups on wastewater, drinking water, and municipal solid waste disposal and security. In a unique approach, NETCSC develops, disseminates and delivers training customized for small community environmental management. Environmental trainers and technical assistance providers who attend our classes then in turn train environmental professionals who serve small communities. NETCSC has developed more than 40 training packages for drinking water and wastewater system design, operation, finance, management, emergency response, and system security. These training packages are delivered and available coast-to-coast to thousands of participants, often in co-sponsorship with other training and/or service providing organizations.

Since 1991, NETCSC has held more than 250 training events. Hundreds of environmental trainers across the nation subsequently use our materials to train thousands of local officials, operators, installers, regulators, engineers, and homeowners. Training on environmental management and security and emergency response has been customized for and delivered to tribal audiences. More than 95 percent of the attendees recommend our courses to their colleagues; more than 75 percent rate the instruction and course materials as being excellent or very good, and more than 95 percent plan to use what they have learned through the training courses to help small communities.

#### **Support for EPA National Priorities**

As part of a Memorandum of Understanding (MOU) initiated by EPA, the National Environmental Services Center, which houses both NSFC and NETCSC, joined with 15 other national organizations to assist the agency in meeting its strategic goals under its Decentralized Wastewater Treatment Program. Services provided by both programs are the underpinning for the activities of many of the MOU partners in achieving their respective goals in the MOU partnership. Continued support for the NSFC and NETCSC is important to EPA in meeting its national goals under its water programs.

#### **Accomplishments**

Highlights of NSFC and NETCSC accomplishments, many of which are provided to the user community free of charge thanks to congressional support, include:

- Toll-free phone service providing technical assistance;
- Publications, including *Small Flows* and *Pipeline*, with a mailing list of 70,000 of which 5,492 subscribers are located in high poverty counties;
- 3,300 information products such as pamphlets, guides, handbooks, design manuals, videos, checklists, catalogs, outreach resource guide, directories, posters, and case studies;
- Comprehensive website and searchable online databases, our website averages 3.5 million page views and 1.6 million downloads annually;
- Demonstration projects at more than 100 sites in 27 states;
- The intensive annual State Onsite Regulators Alliance (SORA) Conference;
- An annual environmental training institute for small communities and service providers;
- The nation's only *Wastewater Vulnerability Assessment Guide* for small communities;
- A "Top Ten" list of security and emergency preparedness actions;
- Six listservs that have a total of 3,264 subscribers.

With the support of Congress and in conjunction with EPA, both programs have expanded their capabilities and level of service over time to meet national needs and to address the ever-increasing complexity of infrastructure issues as they pertain to smaller systems.

Testimony of Mary Lee Ratliff, President  
 Wheeler Wildlife Refuge Association  
 Before the House Appropriations Subcommittee on Interior, Environment and Related Agencies  
 Concerning Fiscal Year 2011 National Wildlife Refuge System Appropriation

Several prominent issues directly affecting the viability of the refuge system are:

Securing the funding in the amount of \$578 million for operations and maintenance even though the actual needs for the refuge system exceed \$900 million annually. This is a bargain request considering the system has to manage approximately 150 million acres. It has been documented that every dollar invested in our refuge system returns at least FOUR dollars in tourism and job creation, this is by far a better investment of our tax dollars than anything I have personally found.

Fully funding the Land and Water Conservation Fund at \$900 million. More than eight million acres are still unprotected within our existing refuge boundaries. Please support the passage of S.2747 which would permanently fund the LWCF.

Supporting the involvement of citizens in wildlife conservation by reauthorizing the Volunteer and Community Partnership Act. By encouraging the use of volunteers to assist refuges in all areas of management, the refuge systems save over \$15 million dollars a year in salaries. As a volunteer to the refuge system for over 20 years I can personally attest to the many occasions where volunteers have freely given of their time and monetary resources for the conservation and expansion of our natural resources. It is a matter extremely important to vast amounts of people. That is why I'm writing this letter while on vacation.

The above requests should not diminish the importance of our remaining priorities:

Controlling invasive species  
 Mitigating future affects of climate change  
 Support of existing Landscape Conservation Cooperations including Partnerships for Fish & Wildlife; North American Wetlands Conservation Act; and State Wildlife Grants  
 Designating the Arctic Refuge Coastal Plain as wilderness area  
 Funding of the refuge construction account in the amount of \$100 million  
 Permanently removing mining activities on refuge lands  
 Protecting the habitat for migratory birds

It's hard to prioritize and place more emphasis on any one item concerning the refuge system as each item affects and interrelates with each other to create a public land and water mass crucial to the salivation of our wildlife and the health of our society. As a long time advocate of the benefits of spending time enjoying nature, I know how essential the preservation of these resources are to the welfare of our plants and animals, but also affording people the beauty and solitude necessary to regenerate our inner selves.

It is so easy to overlook and neglect our natural environment when seemingly so many critical issues are at hand, but as always, once our resources are expended or destroyed they are gone forever.

In your esteemed positions you truly represent us as the actual stewards of our lands. Therefore, as you are confronted with the task of making many monetary decisions, we ask that you carefully consider these requests and grant funding of them as your personal testimony to being the best guardians of these great states of America.

Thank you for your time and consideration of these requests. I appreciate the dedication that is necessary on your part to wallow through the paperwork, meetings, and hearings as part of the decision making process. Even though it has to be difficult, knowing your recommendations will directly affect the outcome of preserving or improving our public resources is a worthy endeavor.

Mary Lee Ratliff  
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**Legacy Roads and Trails Remediation Initiative and  
Planning to Right-Size the Forest Service Road System**

**Statement of Sue Gunn, Ph.D.  
Restoration Campaign Director for Wildlands CPR  
Before the U.S. House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
Public Witness Day  
March 25, 2010**

Thank you Chairman Moran and members of the subcommittee for this opportunity to testify before you in support of the Forest Service's Legacy Roads and Trails Remediation Initiative and for planning funds to begin the process of right-sizing the road system. I testify for Wildlands CPR on behalf of the Washington Watershed Restoration Initiative (WWRI), a coalition of 18 groups including state agencies, tribes, and recreation, conservation, and fishing organizations. Our request is for \$120M for Legacy Roads and \$30M in planning funds to begin to identify a minimum road system.

WWRI coalesced three years ago to find a solution to the detrimental impacts resulting from the vastly over-sized, deteriorating road system in our national forests. Thanks to the vision of this subcommittee in Fiscal Year (FY) 2008 the Legacy Roads and Trail Remediation Initiative (Legacy Roads) was created and funded at \$40 million to fix roads and trails that impact water quality and fish and wildlife habitat. Subsequently, Congress provided \$50M for Legacy Roads in FY2009 and \$90M in FY2010. Unfortunately the President's budget proposes cutting Legacy Roads back to \$50M for FY2011, which will only continue to exacerbate the road problem.

**Legacy Roads and Trails Remediation Program Overview:**

Prolonged underfunding of road maintenance and reclamation has created an estimated \$4B - \$8B maintenance backlog on national forests. Legacy Roads is the first program to address this problem specifically. Legacy Roads funds allocated during the first two years of this program were projected to repair 820 culverts, maintain or improve 3,089 miles of roads, decommission 2,194 miles of roads, maintain or improve 3,170 miles of trails, and fix 166 bridges. At a minimum, the agency projected this work would restore 1,147 miles of stream habitat, in addition to tens of thousands of acres of watershed nationwide. FY2010 should result in a comparable amount of work as the funds in that year are equal to the first two years of funding.

This well respected program has engendered wide-ranging support to restore our national forest watersheds from citizens and groups across the country. The Forest Service's National Aquatic program has acknowledged the importance of this program by honoring Washington Watershed Restoration Initiative with their Rise to the Future Award in December 2009. Considerable additional support for this program comes from the engineering and recreation leadership and field staff within the Forest Service.

**The Problem:**

The Forest Service is beleaguered with 380,000 miles of roads and a minimum of 45,000 to 60,000 miles of additional temporary and unauthorized roads -- enough roads to circle the Earth

over 15 times. Forest roads are not constructed to last for a long-time, yet they remain on the landscape for many decades. A typical forest road will begin to deteriorate significantly within 5-7 years without regular maintenance. The Forest Service has stated their annual maintenance funds are only sufficient to maintain approximately 20% of this road system. Hence the vast majority of these roads are in a serious state of decay.

Muddy water from failing and washed-out forest roads harms endangered and dwindling runs of salmon and other fish that need cold, clear water to thrive and reproduce. Fish eggs smother when silt settles into clean gravel beds. Deteriorating, unmaintained and poorly designed national forest roads contribute sediment-laden runoff into streams, making them wider, shallower and more susceptible to warming by the sun. Sediments foul drinking water, increasing the need for community water filtration systems. Failing roads also threaten recreational opportunities.

Historically, the Forest Service road maintenance budget was derived from timber receipts. As timber receipts declined over the last two decades, road maintenance funding has declined dramatically - virtually eliminating the funding source for road reclamation and repair. We are now faced with the vast legacy of unmaintained logging roads that threaten water quality, watershed health, and fish and wildlife habitat and connectivity. This is even more significant in the context of climate change, with roads only exacerbating the impacts of increasingly severe floods, storms and fires.

**FY2011 Requests of WWRI Members and Supporters:**

Due to the enormous backlog of work needed to bring forest roads up to standard, the Legacy Roads and Trails Remediation Initiative should be increased to \$120 million in FY2011. Over the last decade staffing levels at the Forest Service have decreased considerably. For example, the Olympic National Forest reports going from a staff of over 350 at its peak to approximately 65 staff members currently. The systematic decline in staff has made it nearly impossible for the Forest Service to appropriately manage their land, let alone address a problem that has been accruing for decades. The agency needs sufficient funding to address the impacts roads are causing to watershed health and water quality. That funding is critically needed both for on-the-ground work and to rebuild some of the lost capacity in watershed management, hydrology, planning and contract oversight.

WWRI is specifically requesting an additional \$30 million in planning funds to begin the process of identifying an ecologically- and fiscally-sustainable minimum road system. This is the first step towards right-sizing the forest road system, and is a critical step towards ensuring that future Legacy Roads funds are spent effectively, both from an economic and an ecological perspective. The Forest Service was required to identify its minimum road system as part of the 2001 "Road Management Strategy Rule and Policy," commonly known as the "Roads Rule." While they have taken some steps to comply with this rule, few forests have fully met this requirement to date. For this reason, Congress adopted report language in both the FY2009 and FY2010 Interior Appropriations bills directing the Forest Service to comply with this mandate.

In FY2009 the language stated: "The Committees on Appropriations expects that each individual National Forest or Grassland **will comply fully** with all travel management regulatory requirements, particularly the science-based analysis in 36 CFR 212.5 (b)(1), **the identification**

of **unnneeded roads** in 36 CFR 212.5(b)(2), and the criteria for designation in 36 CFR 212.55(a) and (b). The Committees expect the Forest Service to identify priorities, and associated resource requirements, to fully comply with the regulatory requirements of 36 CFR 212.5(b) (1) and (2).”

In FY2010 the language stated: Senate Language (Appropriations Act of 2010, S. Rep. No. 111-038, page 69): “The Committee believes that the Forest Service must continue to show progress toward meeting its travel management regulatory requirements, including its requirements to **conduct a science based analysis of the roads system, identify unnneeded roads**, and comply with appropriate criteria to designate roads and trails, as defined by 36 CFR 212.5 and 212.55. Within 60 days of enactment, the Service is directed to provide a report to the Committee outlining the process that it will use, by region, to ensure compliance with these requirements, including a timeline for implementation.” The report to Congress, due December 31, 2009, outlining their proposed process to right-size the road system has yet to be delivered to Congress.

We believe that defining an ecologically- and economically-sustainable forest road system is the fundamental first step toward strategically right-sizing the system and spending Legacy Roads funds effectively. Furthermore, former Forest Service Chief Tidwell gave his support for right-sizing the road system in his FY2011 testimony before this subcommittee.

**Structural Support for Right-Sizing the Road System and Linking it with the Legacy Roads and Trails Initiative:**

**A. Authorizing Legacy Roads and Trails Remediation Program:** WWRI believes that Legacy Roads should be formally authorized to provide the Forest Service stable and continued funding to address its road problem. Due to years of insufficient funding and staff limitations, the FS has become justifiably cautious about moving forward to plan for Legacy Roads projects due to their concerns about the stability of the program. Formally authorizing Legacy Roads will allow staff to plan for the out years, add staff where appropriate and administer the program with continuity. It will also allow them to create a larger, more comprehensive plan for reclaiming and repairing roads when they are sure that funding for this work will be forthcoming.

**B. Create a NFS Watershed Restoration and Protection Program:** We would also appreciate your support in working with the Forest Service create a new Watershed Restoration and Protection Program within the agency. The Legacy Roads program provides us with an opportunity to move the agency forward with a comprehensive watershed restoration plan by right-sizing the road system. Such a plan can repair and prevent damage to water and wildlife caused by deteriorating roads, provide high-paying green jobs in rural communities and tribal lands, create accountability and reduce the fiscal burden to America’s taxpayers.

This Watershed Restoration and Protection should be staffed with a director who would coordinate the efforts of the fisheries, watershed, wildlife, engineering and recreation program staff. That program would also be responsible for generating the following items:

- Completion of a National Aquatic Conservation Strategy
- Developing a comprehensive communications strategy for right-sizing the road system
- Identifying a minimum road system forest by forest over the next five years
- Implementing the identified minimum road system over the next 20 years

- Transparent reporting of expenditures by forest
- Monitoring of project effectiveness
- Generating jobs statistics from Legacy Roads expenditures

In December 2009 the Conference of Mayors expressed their support for a Forest Service right-sizing initiative as forest roads are commonly identified as a major source of sediments in otherwise relatively undisturbed watersheds. At the same time, the Western Governors' Association urged that the agency's restoration effort begin by addressing the road system.

**Additional Benefits from Right-Sizing and Legacy Roads and Trails Initiative:**

**A. Green jobs:** Legacy Roads allows the opportunity to invest in green jobs on the 191-million acre National Forest System by providing high-wage, high-skill rural jobs fixing needed infrastructure, reclaiming unneeded infrastructure, protecting clean drinking water, fish and wildlife habitat, and saving millions of taxpayer dollars over the long-term. Economists estimate that for each \$1 million spent on road decommissioning 14.5 direct jobs for heavy equipment operators and other forest workers are supported.

Rural communities will be the direct beneficiaries of these jobs because it is too expensive to move heavy equipment over long distances. Restoring forest watersheds provides an excellent rural green jobs companion to the many urban green jobs being proposed in the fields of alternative energy and energy efficiency.

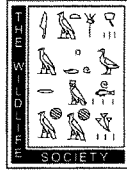
**B. Climate Change:** The best way to adapt to impacts of climate change is to create resilient watersheds capable of resisting adverse changes and recovering quickly. Michael Furniss, Pacific Northwest Station hydrologist, has stated that the most prevalent appropriate treatment to create resiliency in wildlands environments is to improve and decommission roads. Therefore, right-sizing the system, removing unneeded roads and repairing roads needed for recreation and administration is the most essential step to stabilize our forest watersheds facing the impacts of climate intensification and increasingly powerful storms.

**Cut of Road Improvement Budget:**

The proposed FY2011 budget eliminates the road improvement line-item completely, a reduction of \$73M and a 31% decrease from FY2010. The rationale is that the agency will curtail construction of new roads but in fact in recent years road construction has virtually ceased. For example, in FY 2009, in the entire nation, only 67 miles of road were constructed while 1753 miles of roads were reclaimed. This funding is necessary for basic maintenance and decreasing it will significantly reduce the Forest Service's ability to maintain needed roads and places a greater burden on Legacy Roads to cover basic maintenance costs.

**Conclusion:**

Wildlands CPR and the Washington Watershed Restoration Initiative wish to thank this subcommittee for creating the Legacy Roads and Trails Remediation Initiative and encourage you to formally authorize Legacy Roads, fund it at \$120M and fund planning to identify the minimum road system needed to right-size it in the FY2011 Interior Appropriations Bill.



## THE WILDLIFE SOCIETY

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March 19, 2010

House Appropriations Subcommittee on Interior, Environment, and Related Agencies  
 B-308 Rayburn House Office Building  
 Washington, D.C. 20515

Testimony Submitted by Bruce Leopold, President of The Wildlife Society

The Wildlife Society (TWS) appreciates the opportunity to provide comments on the FY 2011 budget for the Department of Interior, Environment, and Related Agencies. The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association representing over 9,000 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve wildlife professionals—the scientists, technicians, and practitioners actively working to study, manage, and conserve native and desired non-native wildlife and their habitats worldwide.

### U.S. Fish and Wildlife Service

The State and Tribal Wildlife Grants Program is the primary program supporting implementation of comprehensive wildlife conservation strategies, known as State Wildlife Action Plans, and it is the only federal program that supports states in preventing wildlife from becoming endangered. Each state creates Plans which detail conservation actions including land protection, invasive species management, research and survey work, and more; these actions create or sustain thousands of jobs that preserve lands important to all sorts of wildlife enthusiasts. Funding assistance for these state wildlife agencies is therefore one of the highest priority needs for wildlife in order to prevent further declines in at-risk wildlife populations in every state. **We recommend that \$100 million be appropriated for State Wildlife Grants in FY 2011. We also ask that Congress support a reduction in the non-federal match requirement from 50 percent to 30 percent**, relieving some of the onus of providing adequate matching funding from severely cashed-strapped states.

The Cooperative Alliance for Refuge Enhancement (CARE) is a diverse coalition of 22 wildlife, sporting, conservation, and scientific organizations representing over 14 million members and supporters. A comprehensive analysis by CARE determined that our **National Wildlife Refuge System** needs \$900 million in annual operations to properly administer its nearly 150 million acres, educational programs, habitat restoration projects, and much more. Many years of stagnant budgets have increased the Operations and Maintenance backlog, and forced plans for a dramatic 20% downsizing of the workforce. Refuge visitors often show up to find visitor centers closed, hiking trails in disrepair, and habitat restoration programs eliminated. Invasive plant species are taking over, requiring \$25 million per year to treat just one-third of its acreage, and illegal activities such as poaching are on the rise, requiring an additional 209 officers (\$31.4 million) to meet law enforcement needs. **We request that you provide \$578 million in FY 2011 for the**

*Excellence in Wildlife Stewardship Through Science and Education*



### **Operations and Maintenance of the National Wildlife Refuge System.**

The North American Wetlands Conservation Act is a cooperative, non-regulatory, incentive-based program that has shown unprecedented success in restoring wetlands, waterfowl, and other migratory bird populations. This program has remained drastically underfunded, despite its great demonstrated effectiveness. **We recommend a \$10 million increase, to \$52.6 million in FY 2011 so that Act may reach the goal of full funding of \$75 million by FY2012.**

The Neotropical Migratory Bird Conservation Act provides a broad-spectrum approach to bird conservation. **The Wildlife Society recommends that Congress fund the Neotropical Migratory Bird Conservation Act at its full authorization of \$6.5 million in FY 2011.**

The Wildlife Society supports adequate funding levels for all subactivities within the Endangered Species Program. Endangered species recovery efforts can ultimately lead to delisting actions that result in significant benefits to species through state management efforts. Currently, all subactivities are understaffed while the costs for management of listed species continue to rapidly escalate. **We recommend that Congress match the President's request for the Endangered Species Program and provide \$181.33 million in funding in FY2011.**

The voluntary Partners for Fish and Wildlife Programs provides financial and technical assistance to landowners to restore degraded habitat on their property. With over two-thirds of our nation's lands held as private property, and up to 90 percent of some habitats lost, private lands play a key role in preserving our ecosystem. **We urge Congress to provide \$60 million in support of the Partners for Fish and Wildlife Program** in order to allow landowners to help contribute to land and wildlife preservation.

Through its international programs, FWS works multilaterally with many partners and countries in the implementation of international treaties, conventions, and projects for the conservation of wildlife species and their habitats. International trade, import, and transportation of wildlife species can have a huge impact on America's security, economy, and environment and careful regulation and implementation of international policies is an important task. We ask Congress to support FWS in protecting our economy, our environment, and our national security by providing a necessary **\$22 million in support of FWS International Affairs.**

Finally, we ask Congress to provide additional funding to fight White Nose Syndrome (WNS) in bats. The current loss of bats from WNS is one of the most precipitous wildlife declines in the past century in North America, and will likely have significant ecological and economic consequences throughout the United States. Expert scientists have recommended that \$45 million will be needed over the next 5 years to study and combat WNS, however last year Congress only appropriated \$1.9 million for WNS in the Recovery of Listed Species program. In order to meet the growing urgency to fight this disease, **TWS asks you to provide an additional \$5 million for fighting WNS in FY 2011.**

### **Bureau of Land Management**

The diverse habitats managed by BLM support over 3,000 species of wildlife, more than 300 federally proposed or listed species, and more than 1300 sensitive plant species. However, the

BLM has only one biologist per 591,000 acres of land and estimated costs for recovery of threatened and endangered species on BLM lands are \$300 million annually over the next five years. In addition, the Wildlife and Fisheries Management (WFM) and the Threatened and Endangered Species Management (TESM) programs have been forced to pay for the compliance activities of BLM's energy, grazing, and other non-wildlife related programs, eroding their ability to conduct proactive species and habitat conservation activities and efforts to recover listed species. This diversion of funding must be stopped, or additional funding provided to both programs to make up for the deficiency. Therefore, given the significant underfunding of the BLM's wildlife programs, combined with the tremendous expansion of energy development across the BLM landscape, an increase to **\$65.4 million for the BLM Wildlife and Fisheries Management Program** is warranted. This will allow BLM to maintain and restore wildlife and habitat by monitoring habitat conditions, conducting inventories of wildlife resources, and developing cooperative management plans.

Increased funding is also needed for the **Threatened and Endangered Species Management Program** to meet its responsibilities in endangered species recovery plans. BLM's March 2001 Report to Congress called for a doubling of the current Threatened and Endangered Species budget to \$48 million and an additional 70 staff positions over 5 years, however, this goal has yet to be met. In view of this, **we strongly encourage Congress to increase overall funding for the BLM endangered species program to \$33 million in FY 2011.**

Finally, TWS applauds the positive action that is being taken to solve the problems associated with wild horse and burro management, and supports Secretary Salazar's \$75.9 million request for this issue. However, given that horses and burros have been maintained above the appropriate level for many years, we believe that additional funding should be requested to correct the habitat damage that has occurred due to overpopulation of these animals. **We recommend that an additional \$3.0 million be provided (\$78.9 million total) in FY2011 to remediate habitat degradation from wild horses and burros.**

#### **U.S. Geological Survey**

**The basic, objective, interdisciplinary scientific research that is supported by the USGS is necessary for understanding the complex environmental issues facing our nation today.** This science will play an essential role in the decision-making processes of wildlife, land, and other natural resource managers as we adapt to climate change, and it will help protect our water supply, preserve endangered species, and strengthen our national defense. More investment is needed to strengthen USGS partnerships, improve monitoring, produce high-quality geospatial data, and deliver the best science to address critical environmental and societal challenges. **The Wildlife Society supports funding of at least \$1.334 billion for USGS in FY 2011.**

The **Cooperative Fish and Wildlife Research Units (CFWRUs)** are a jointly funded federal/state partnership that provides the funding for personnel and establishment of the units at a university. In FY 2001, Congress fully funded the CFWRUs, allowing unit productivity to rise to record levels. Since then, budgetary shortfalls have caused an erosion of available fiscal resources, resulting in a current staffing vacancy of nearly one quarter of the professional workforce. In order to fill current scientist vacancies, restore seriously eroded operational funds

for each CFWRU, and enhance national program coordination, **the FY 2011 budget for the CFWRUs should be increased to \$22.5 million.** This would restore necessary capacity in the CFWRU program and allow it to meet the nation's research and training needs. Also, the CFWRUs are crucial to successfully addressing the natural resource management challenges posed by climate change, energy development, invasive species, infectious diseases, and fire. We also ask that you establish a competitive matching fund program within existing CFWRU legislative authority that would make available **\$20 million annually in new funds beyond base operational costs, starting with a \$5 million appropriation in FY 2011.**

The Wildlife Society appreciates the funding for the **National Climate Change and Wildlife Science Center** in last year's omnibus, and the FY2010 increase to \$11 million for the Center. This center will play a pivotal role in addressing the impacts of climate change on fish and wildlife. In order for this role to be fully realized, funding must increase. **The Wildlife Society recommends that Congress fully fund the President's request of \$23 million in FY 2011.**

#### **U.S. Forest Service**

Our national forests and grasslands are essential to the conservation of our nation's wildlife and habitat, and are home to about 425 threatened and endangered, and another 3,250 at-risk species. Many programs within the Forest Service are essential to protecting these species and require careful consideration during the appropriations process. In FY 2011, the Forest Service is proposing to combine several programs and their budgets, including Vegetation and Watershed Management, Wildlife and Fisheries Habitat Management, and Forest Products into a single Integrated Resource Restoration activity budget. We are concerned with this merging of resources because it makes accountability to stakeholders and Congress difficult. However, with these reservations noted, we urge Congress to **support the request of \$693.722 million for the Integrated Resource Restoration program in FY 2011.**

Integral to management of our natural resources is a deep understanding of the biological and geological forces that shape the land and its wildlife and plant communities. The research being done by the USFS works at the forefront of science to improve the health of our nation's forests and grasslands and will play a key role in developing strategies for mitigating the effects of climate change. Research is the basis for sound policy decisions and sustained and increasing funding is needed. We urge Congress to fund the President's request of **\$312 million for Forest and Rangelands** so we can continue to support this high-quality research.

Last August, Secretary Vilsack announced his desire to develop national forest planning regulations that are new, meaningful, and climate-smart. Along with this need for new regulations, there is also a tremendous backlog of forest plans that require revision; therefore, an increase in funding for land management within the Forest Service is urgently needed. Based upon funding estimates for sustaining current plans, as well as additional funds for planning new regulations, we ask Congress to **provide \$80 million for land management in FY 2011.**

Thank you for considering the recommendations of wildlife professionals. Please contact Laura Bies, Director of Government Affairs at (301) 897-9770 x 308 if you require further information or have any additional questions.

**Written Statement of**  
**Alan Rowsome, Conservation Advocacy Associate at The Wilderness Society**  
**before the U.S. House of Representatives Committee on Appropriations**  
**Subcommittee on Interior, Environment, and Related Agencies**  
**Regarding the FY 2011 Interior and Related Agencies Appropriations Bill**  
**March 26, 2010**

The Wilderness Society (TWS) represents more than 500,000 members and supporters who share our mission to protect wilderness and inspire Americans to care for our wild places. We thank the subcommittee for the opportunity to submit comments on the Fiscal Year 2011 Department of the Interior and Related Agencies Appropriations Bill.

We applaud the leadership and members of this subcommittee for increasing appropriations in FY 09 and 10 for essential public land conservation programs and reversing the near decade-long pattern of severe funding cuts to numerous conservation programs. Despite this progress, conservation programs continue to suffer from underfunding. Additionally, the effects of climate change are impacting public lands nationwide and have only begun to be addressed by land management agencies.

Protection and proper stewardship of these lands buffer the effects of flooding and wildfire, conserve water, support healthy fisheries and wildlife populations, and sequester carbon. Our forests currently sequester an estimated 14% of all U.S. greenhouse gas emissions and mitigate the impacts of climate change. Additional protections for these important carbon stores should be considered.

Conservation programs are also pivotal to the success of the outdoor recreation industry, which contributes \$730 billion annually to the economy while supporting nearly 6.5 million jobs across the country. According to a recent DOI study, conservation activities are a driving force to create jobs, as every \$1 million taxpayers invest in ecosystem restoration projects creates 30 jobs, and every \$1 million invested in recreation projects produces 22 jobs.

We urge bold, immediate action in making additional investments for Fiscal Year 2011. TWS recommends:

**Land and Water Conservation Fund**

Our 682 million acres of federal land and waterways provide a critical opportunity to address the unprecedented challenges that climate change poses to our forests, fish and wildlife, and riparian resources. The strategic acquisition of key inholdings, buffer areas, and wildlife migration corridors within and adjacent to existing public lands enhances adaptation efforts and fosters intact landscapes. These natural areas also store carbon, buffer flooding, conserve water, and support healthy fisheries and wildlife populations. Hand-in-hand with mitigating the deleterious impacts of our environment from burning fossil fuels is the need to respond to climate change with a foresighted investment in land protection and natural resource adaptation across the federal public lands. President Obama has indicated that LWCF should be fully funded by 2014, and we support a significant funding increase that will lead to his goal. *TWS' FY 11 recommendation for the LWCF is \$600 million (\$425.0 million for federal and \$175.0 million for state grants)*

**BLM Onshore Oil and Gas Policy**

The Administration proposes the following laudable reforms of the BLM's oil and gas program:

- A proposed fee on onshore federal operators designed to bring in \$10 million per year for the I & E program
- Continuation of the \$6,500 APD fee in FY 11 which was approved by Congress for FY 10 (estimated revenues -- \$45.5 million)
- A \$4.00 per acre fee on non-producing onshore leases (needs authorizing legislation)
- Repeal of Sec. 365 of EPACT which diverted lease rental revenues to fund the "Permit Streamlining Pilot Offices", and prohibits the BLM from charging APD fees (the latter provision in effect overridden by Congress in the FY 10 appropriations bill)
- Initiation of a new rule to raise royalty rates for federal onshore oil and gas leases, with a goal of raising oil and gas revenues by \$1 billion over ten years (royalty rates under consideration are not discussed in the budget proposal, however)

TWS supports all of these proposals. The BLM is moving forward with important management reforms of the onshore program that should, when fully implemented, lead to a better balance between oil and gas developed on western public lands, and the protection of the many natural resource values that have been impaired by the previous administration's oil and gas policies.

**BLM's National Landscape Conservation System**

The Bureau of Land Management's (BLM) National Landscape Conservation System comprises some 26 million acres of congressionally and presidentially designated lands and waters, such as National Monuments and National Conservation Areas. Stewardship of the System's many units provides jobs for thousands of Americans while supporting vibrant and sustainable economies in surrounding communities. The System provides immeasurable public values in return for modest investments: outstanding recreational opportunities, wildlife habitat, clean water, wilderness, and open space near fast-growing cities. The Conservation System also provides a living laboratory where the challenges of climate change can be studied and landscape level habitat restoration can take place. Recent changes have improved clarity in the System's budget, but the System still suffers from a lack of prominence in the Bureau's budget structure and there is a real need for sub-accounts that reflect the diversity of the System's many units.

- *TWS' FY 11 recommendation is full budget clarity for the Conservation System - two new subactivities and funding of \$100 million, a modest increase of approximately \$25 million over the FY 10 enacted level.*
- *Restore the Challenge Cost Share Program at full funding of \$19 million. This is a cross-cutting program within DOI, which provides a 1:1 match for volunteer activities.*

**Renewable Energy**

TWS is a strong proponent of transitioning our country to a sustainable energy economy by developing our renewable energy resources quickly and responsibly. We believe renewable energy is an appropriate use of the public lands when sited in areas screened for habitat, resource, or cultural conflicts. As such, we are supportive of the request for a \$14.2 million increase for renewable energy programs across Interior, bringing the FY 11 request to \$73.3 million. TWS is pleased that DOI's request is consistent with the principle of both protecting lands and installing energy facilities, as seen in the proposed \$3 million increase over the \$16.1 million enacted in FY 10, for project-level environmental review. With these expanded resources, TWS hopes the

Department will see fit to clearly document policies for thorough and expedient environmental review, suitability screening, energy zone identification, and fair return for taxpayers.

#### **National Wildlife Refuge System Funding**

An analysis compiled by the Cooperative Alliance for Refuge Enhancement shows that the Refuge System needs at least \$900 million in annual operations and maintenance funding to properly administer its 150 million acres, educational nature programs, habitat restoration projects, and much more. We appreciate the Subcommittee's vision and leadership while providing funding increases in FY 08-FY 10. We urge the Congress to build upon these important steps toward restoring the Refuge System by considering our request in the FY 11 budget. *To reach this goal, TWS recommends providing \$578 million in FY 11 for the Operations and Maintenance of America's National Wildlife Refuge System.*

#### **National Forest Funding**

TWS supports the overall funding levels in the proposed Forest Service budget; however, we recommend adjusting the funding levels of several programs. For example, important and fundamental programs like *Inventory & Monitoring and Land Management & Planning* should have funding levels of \$180.5 million and \$80 million, respectively, in FY 11. This is especially important in a year when the administration is undergoing a national forest planning rulemaking and when climate change requires that we perform more research. *TWS additionally recommends that the Forest Inventory & Analysis program receive \$76 million, the Wildlife & Fisheries Habitat program be restored and receive \$163 million, and Recreation, Heritage & Wilderness program receive \$408 million.*

TWS is pleased that the administration is working on shifting forest management from timber-based to more restoration-based. However, we do have concerns about a proposal that would eliminate three important programs, and thus important measurements of the health of our national forests. Additionally, the Forest Service must be provided with direction from Congress to "right-size" its massive and decaying road system, which is a major threat to the drinking water of over 3,400 communities and has resulted in ecosystem degradation and a more than \$8 billion road maintenance backlog. The Western Governors' Association, the US Conference of Mayors, major sportsmen groups, and others have also urged the Forest Service to bring its roads system down to a sustainable size. To achieve forest restoration goals in FY 11, TWS recommends:

- *The Forest Service receive congressional direction to develop a restoration plan that is rooted in the latest science and includes input from the public;*
- *The Collaborative Forest Landscape Restoration Program is fully funded and moved into the National Forest System budget;*
- *Congress continues its commitment to reduce fire risk to communities by funding the two State Fire Assistance programs at \$150 million, collectively; and*
- *Congress funds the Legacy Roads and Trails program at \$120 million, \$30 million of which for the minimum roads system analysis (pursuant to 36 CFR 212.5(b)).*

Acquiring land for conservation purposes is a critical duty for the Forest Service. The Forest Legacy Program helps to preserve working forestlands threatened by conversion and development. To date, this program has protected over 1.9 million acres in 42 states and territories. A total of \$444 million of federal funds have been matched by \$484 million in non-federal funds and

donations, making the federal share only 44 percent of overall project costs. *TWS' FY 11 recommendation for the Forest Legacy Program is \$150 million, an increase of \$70.5 million over the FY 10 enacted level of \$79.5 million.*

The Community Forest and Open Space Conservation Program, established in the 2008 Farm Bill, will give communities, tribes and non-profits 50/50 matching funds to help purchase economically, ecologically and culturally important forestlands to create community forests. The program also ensures technical assistance through state forestry agencies to help implement outstanding forest management. *TWS' FY 11 recommendation for Community Forest and Open Space Program is \$10 million, an increase of \$9.5 million over the FY 10 enacted level*

The FLAME Act of 2009 requires the Forest Service to complete a Cohesive Wildfire Management Strategy by the end of FY 10 to identify the most cost-effective means for allocating fire management budget resources, employ the appropriate management response to wildfires, and assess the level of risk to communities and the impacts of climate change on wildfire, among several other factors. While the agency has recently begun this process, we believe they will be able to produce a better product if given additional time. TWS recommends for FY 11:

- *Congress provide the Forest Service with an additional year to ensure a more comprehensive strategy;*
- *TWS recommends allocating \$2 million for the agency to convene a panel of scientists to inform the development and allow for a public review process.*

#### **Fire Funding – USDA Forest Service and DOI**

TWS is pleased that the administration proposes funding the USDA Forest Service and DOI FLAME funds. However, it is unclear that the Forest Service and the DOI require four emergency funds through the additional proposed contingency reserve budgets for each department. The FLAME fund is intended to fund suppressing high-cost fires during the fire season and be accessible when annual suppression funds are nearly exhausted. The FLAME fund also requires the administration to report to Congress quarterly on the status of the fund, which would provide appropriators the opportunity to replenish the fund as needed. The purpose of the fund is to eliminate the need for the Forest Service to transfer funds from non-fire programs – a practice that has too often led to disruptions in program implementation. *TWS recommends that the proposed funding in the Forest Service and DOI contingency reserve accounts be transferred to their respective FLAME funds. Additionally, Congress must continue to stress to the Forest Service the need to replace the 10-year rolling average estimate with a more predictive statistical modeling approach for calculating emergency and annual suppression estimates.*

#### **Council on Environmental Quality**

CEQ serves as the principal environmental policy advisor to the President. CEQ has broad statutory responsibilities for advising the President in the development of environmental policies and legislation; assessing and reporting trends in environmental quality and recommending appropriate response strategies; and overseeing implementation of NEPA. CEQ is severely understaffed. CEQ's staff ranged from 50-70 in the 1970s and '80s in both Republican and Democratic Administrations, but it is currently staffed by only 24 FTEs. *Additional resources are critical and TWS recommends an increase to \$4,694,093, which would allow for approximately 30 staff.*

**Testimony of Tia Nelson at the Wisconsin Board of Commissioners of Public Land (BCPL)**

**In Support of Land and Water Conservation Fund funding  
At Chequamegon-Nicolet National Forest, Wisconsin  
U.S. Forest Service**

**House Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable James Moran, Chairman  
The Honorable Michael Simpson, Ranking Member**

**March 19, 2010**

Mr. Chairman, Ranking Member and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of acquiring land at Chequamegon-Nicolet National Forest in Wisconsin. I submit this testimony on behalf of myself and my organization, the Wisconsin Board of Commissioners of Public Land, but also on behalf of a partnership in FY11 with two other organizations seeking land acquisitions for the Chequamegon-Nicolet National Forest (Shaun Hamilton at The Trust for Public Land (TPL), and Matt Dallman at The Nature Conservancy (TNC)). An appropriation of \$5.4 million is needed in FY 2011 from the Land and Water Conservation Fund in order for the Forest Service to acquire several strategic properties with willing sellers and high values for conservation, recreation and local economic development. These projects are part of the Forest Service's Wisconsin Wild Waterways land conservation program.

The Chequamegon-Nicolet National Forest, located in northern Wisconsin, is 1.5 million acres of quintessential Northwoods with towering stands of balsam and spruce; a variety of hardwoods such as red and sugar maples, hemlock, and birch; and swamp forests containing black spruce, larch, and white cedar. The variety of forest types is virtually unmatched anywhere else in the United States, and the combination of this feature with the abundance of lakes, rivers, and streams ensures that the forest boasts some of the best recreational and wildlife opportunities in the country. With its 1,200 lakes, the Chequamegon-Nicolet National Forest offers plenty of paddling, prize fishing, canoeing, boating, and swimming, in addition to opportunities afforded by its 800 miles of trails.

The Forest Service has recognized the unique attributes of the Wisconsin forests by undertaking the Wisconsin Wild Waterways land protection program, supported through annual funding from the Land and Water Conservation Fund. The program focuses on consolidation of publicly owned land to benefit recreation and natural resources and to improve forest management. In the past few years, over 10,000 acres of undeveloped shoreline along several critical lakes and streams have been protected through this program.

The Chequamegon-Nicolet National Forest receives thousands of visitors per year for its outstanding recreational opportunities, significantly contributing to local economies. Retail sales alone for sportfishing in Wisconsin likely amount to more than \$1.5 million annually. The multiplier effect from those sales is estimated at more than \$2.7 million. Active outdoor recreation more broadly contributes over \$9.7 billion annually to Wisconsin's economy, and the Chequamegon-Nicolet National Forest is among northern Wisconsin's prime locations for these activities.

In FY 2011, there is an opportunity to support Land and Water Fund (LWCF) acquisitions that would place valuable properties within the ownership of the U.S. Forest Service. Placing these in holdings in Forest Service ownership will ensure they are not developed and that they are managed to preserve their values as wildlife habitat, timber production and recreational amenities. In FY2011, there are three sets of properties available for LWCF funding, amounting to a total of \$5.4 million for the Wisconsin Wild Waterways conservation effort at the Chequamegon-Nicolet National Forest.



The Board of Commissioners of Public Land (BCPL) is seeking \$2.1 million for roughly 1,000 acres of high quality natural areas for permanent protection. BCPL would in turn purchase a roughly equal amount of acres of “working forests” outside the CNNF boundary. The goals of BCPL are to help ensure that local communities will benefit from BCPL’s investments in acquiring additional productive timber land by employing local loggers, increasing public access to recreational lands not now accessible, and reducing forest fragmentation while permanently protecting unique natural areas. Additionally, these transactions will increase local Payments in Lieu of Taxes (PILT).

In addition to these benefits, BCPL Trust Lands that have been identified to be sold to the Forest Service harbor unique natural communities and outstanding recreational opportunities. First on the list is a one-quarter mile stretch of beautiful whitewater on the Peshtigo River, flanked by impressive stands of old-growth hemlock and maple. The river is a mecca for both anglers and rafters who fish smallmouth bass and trout or test their river skills by shooting the rapids in canoes or rafts.

Other parcels contain old-growth hemlock and hemlock hardwood forest communities on rolling to steep Whiting Creek, a small, closed canopy, cold-water trout stream fed by spring seepage from rocky side drainages. One parcel offers the Forest Service a rare opportunity to protect an undeveloped lake. Grub Hoe Lake, a 66-acre spring lake is tucked into a remote setting where the entire shoreline and surrounding lands are owned by the BCPL or Forest Service. Eagles and/or osprey utilize large shoreline pines or small islands for nesting/feeding sites during most years.

A final 560-acre tract protects one mile along the upper reaches of the Popple River, a state Wild and Scenic River where recreational and natural diversity is high. The tract protects both interior and remote forest habitats that are important for many wildlife species. The rare Northern Goshawk has established several territories within the site. The wetland complex that occurs here is one of the largest on the NNF and the surrounding region. It provides suitable habitat for an unusual assemblage of boreal bird species.

These BCPL properties and others that are offered for sale to the Forest Service owe the retention of their unique natural features to a conservation-minded management philosophy that has emanated from both staff and commissioners. Unfortunately, the lands are not protected by any law or binding land use designation. Land management policy is set by three elected commissioners whose discretionary powers cannot be dictated by legislation; therefore, these lands are at risk of future commissioners making land management decision which could jeopardize these ecological values. Future elections could install commissioners that would order the lands to be unsustainably cut for timber or sold to the highest bidder that would not necessarily protect their unique features. That is why it makes sense to move properties with unique natural features that are important for both recreation and ecological reasons to the United States Forest Service. The Forest Service has the legal mandate to protect these lands in perpetuity.

The second phase of The Nature Conservancy’s \$1.4 million project would secure the protection and of the 656 acres in Fee around Wabikon and Riley Lakes, in Forest County. The second goal is to purchase a Working Forest Conservation Easement on an additional 18,438 acres of adjacent forestland. Among other benefits, the funding would allow the mill owners to protect a valuable natural resource for future generations while monetizing an asset to free up cash needed for the continued operation of the Laona mill that currently employs ~200 full-time employees.

Over the past two decades, undeveloped wild lake shoreline throughout northern Wisconsin has been highly pursued for the recreational development of second homes. Wisconsin Department of Natural Resource projections indicate that all currently undeveloped wild lakes will have some form of development on them in the next 15 years. Riley and Wabikon lakes represent the best of what is left. More than 80 percent of threatened and endangered species found in Wisconsin depend on shallow water and terrestrial shoreline communities at some point in their life cycles. The forest industry and tourism related to outdoor recreation are two major economic drivers for Forest County. Currently, the west half

of Riley and Wabikon lakes are in Forest Service ownership. This project would result in the protection of the remaining undeveloped shoreline on the lakes, ensuring a wilderness experience for visitors to Forest County.

The Trust for Public Land's \$1.5 million project is a 920-acre property that includes the headwaters of the South Branch Oconto River, an outstanding resource for trout fishermen, and associated wetlands. Wildlife that frequent the area include gray wolves, bald eagles, bear, fishers, and a high diversity of breeding songbirds including black-throated blue warblers. In conjunction with contiguous protected lands, the acquisition offers the opportunity to protect an area of known rare plants and one of the forest's largest intact hardwood forest communities. The acquisition offers the opportunity to complete prior public investments in land and watershed protection in the region by conserving an area surrounded by protected lands. Purchase of the property would reduce the checkerboard fragmentation of U.S. Forest Service lands to the east and provide connectivity to the contiguous 7,000 acre Wolf River state conservation easement to the west. This connectivity of protected lands would help conserve both Ninemile Creek and Wolf River, which are ideal for multi-season recreation. Visitors to these areas enjoy hiking, camping, birding, hunting, fishing, cross-country skiing, and snowshoeing.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the President has included meaningful increases to the program in his FY 2011 budget, and I support the Administration's commitment to fully funding the program in the near future. Recognizing the many demands this committee faces, I also want to thank the committee for its recent effort to restore much-needed funding to this depleted program. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Wisconsin, and I appreciate your consideration of this funding request.

Sincerely,



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March 19, 2010

DAVE FREUDENTHAL  
GOVERNOR

PATRICK T. TYRRELL  
STATE ENGINEER

The Honorable James P. Moran, Chairman  
The Honorable Mike Simpson, Ranking Member  
Subcommittee on Interior, Environment and Related Agencies  
Committee on Appropriations  
United States House of Representatives  
B-308 Rayburn House Office Building  
Washington, D.C. 20515

Attention: Outside Witness Testimony

Re: Support for Funding of \$5,900,000 in fiscal year 2011 within the Bureau of Land Management's Soil, Water and Air Account Management Program for implementing Colorado River Salinity Control Program measures; Requesting the Specific Designation of \$1,500,000 be spent on identified salinity control and salinity control-related projects and studies

Dear Chairman Moran and Ranking Member Simpson:

This letter is sent in support of fiscal year 2011 funding for the Bureau of Land Management (BLM) for activities directly benefiting the Colorado River Salinity Control Program. The activities needed to control salts reaching the Colorado River system from lands managed by the BLM fall within that agency's Land Resources Subactivity – Soil Water and Air Management Program. We request \$5,900,000 be directed to enhancing Colorado River water quality and to engage in land management activities that will accomplish salt loading reduction in the Colorado River Basin.

Wyoming is a member state of the seven-state Colorado River Basin Salinity Control Forum, established in 1973 to coordinate with the Federal Government to assure maintenance of basin-wide Water Quality Standards for Salinity that have been in place for more than three decades. The Forum is composed of gubernatorial representatives who interact with the involved Federal agencies on the joint federal/state efforts to control the salinity of the Colorado River. The Forum annually makes funding recommendations, including the amount believed necessary to be expended by the Bureau of Land Management for its Colorado River Basin Salinity Control Program. Overall, the combined efforts of the Basin States, the Bureau of Reclamation, the Bureau of Land Management and the Department of Agriculture have resulted in one of the nation's most successful non-point source control programs.

Surface Water  
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Ground Water  
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Interstate Streams  
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Board of Control  
(307) 777-6178

Chairman James P. Moran and Ranking Member Mike Simpson  
March 19, 2010  
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The basin-wide water quality standards for salinity consist of numeric water quality criteria established and maintained at three Lower Colorado River points (Below Hoover Dam, Below Parker Dam and At Imperial Dam) and a plan of implementation describing the Program's components, including specific salinity control projects to remove salt from the River system. Pursuant to the Clean Water Act, the water quality standards for salinity are reviewed at least once each three years. At those intervals, the plan of implementation is jointly revised by the States and involved Federal agencies, including representatives of the Bureau of Land Management, to ensure that the planned actions are sufficient to maintain continuing compliance with the basin-wide Water Quality Standards for Salinity's numeric criteria.

Successful implementation of land management practices by the Bureau of Land Management to control soil erosion and the resultant salt contributions to the Colorado River system is essential to the continued success of the Colorado River Basin Salinity Control Program. The BLM's FY2010 Budget Justification document reports that the agency continues to implement on-the-ground projects, evaluate progress in cooperation with the Bureau of Reclamation and the Department of Agriculture and report salt-retaining measures in furtherance of implementing the plan of implementation. As noted in the testimony of the Colorado River Basin Salinity Control Forum (as submitted by Jack A. Barnett, the Forum's Executive Director), the Forum's member States, including the State of Wyoming, believe that fiscal year 2011 Soil, Water and Air Management Program funds should be used, in part, to continue efforts that will directly reduce salt contributions from BLM-managed lands within the Colorado River Basin, consistent with BLM's FY2011 Budget Justification document. At its recent October 2009 meeting, the Forum, in consultation with BLM officials, recommended that the U.S. Bureau of Land Management should expend \$5,900,000 in fiscal year 2011 for salinity control. Accordingly, we request that the BLM be directed to expend from Soil, Water and Air Management Program funds not less than \$5,900,000 for activities to reduce salt loading from BLM-managed lands in the Colorado River Basin in fiscal year 2011.

As one of the five principal Soil, Water and Air Program priorities identified by the BLM, projects directly accomplishing Colorado River salinity loading reductions should be funded. In the past, the BLM has used Soil, Water and Air Program funding for specific salinity control project proposals submitted to BLM's salinity control coordinator by BLM staff in the seven Colorado River Basin States. Through this competitive proposal consideration process, funds have been awarded to those projects having the greatest merit (as measured by their salt loading reduction and ability to quantify the salinity reduction that would be accomplished). The Colorado River Basin Salinity Control Forum's testimony to this Subcommittee requests designation of \$1,500,000 for this purpose. As Wyoming's Forum members, we wish to advise that the State of Wyoming concurs in that request.

Through studying hundreds of watersheds in the States of Utah, Colorado and Wyoming, the collaborative efforts of the collective state/federal agencies and organizations working through the auspices of the Colorado River Basin Salinity Control Forum have selected several watersheds where very cost-effective salinity control efforts can be implemented without additional delay or study. In keeping with the Congressional mandate to maximize the cost-

Chairman James P. Moran and Ranking Member Mike Simpson  
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effectiveness of salinity control, the State of Wyoming joins with the Forum in requesting that the Congress appropriate and the Administration allocate adequate funds to support the BLM's portion of the Colorado River Salinity Control Program as described in the adopted Plan of Implementation.

The State of Wyoming appreciates the Subcommittee's funding support of the Bureau of Land Management's statutory responsibility to participate in the basin wide Colorado River Salinity Control Program in past years. We continue to believe this important basin-wide water quality improvement program merits funding and support by your Subcommittee.

Respectfully submitted,

/s/

Patrick T. Tyrrell  
Wyoming State Engineer  
Member, Colorado River Basin  
Salinity Control Forum

/s/

Dan S. Budd  
Interstate Stream Commissioner  
Member, Colorado River Basin  
Salinity Control Forum

PTT:js

cc: Representative Cynthia Lummis  
John Wagner, Wyoming Member, Colorado River Basin Salinity Control Forum  
Jack A. Barnett, Executive Director, Colorado River Basin Salinity Control Forum

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March 23, 2010

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April 15, 2010

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